

A
REVIEW
OF THE
GRAND CASE
OF THE
Present Ministry,

Whether they may Lawfully
Declare and Subscribe as by
the late Act of Unifor-
mity is required?

In Reply to a Book Entitled;

A Short Survey of the Grand Case, &c.

Wherein all their Objections against both
the Declarations are Considered and Answered.

By the same Hand.

Job. 4. 2. If we assay to contend with thee, wilt
thou be grieved? but who can withhold himself
from speaking? *Fullwood F.*

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Hall. 1665.

THE
OF THE
GRAND CASE
OF THE
Present Ministry.

Whether they may lawfully
Declare and subscribe as by
the late Act of Exclusion
they are required.

In Reply to a Book Entitled
A Short Narrative of the Grand Case,
by bearing all their Objections against both
the Declaration and the Act of Exclusion.

By the same Author.
London. If we wish to continue with them, will
they be content? but who can be so easily content?

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ERR
THE F972R
PREFACE

To my Reverend Brethren, the
Surveighers of the Grand
Case.

1. **I** Find some Learned Men have ob- Jackson
served, both an Equivalency of on the
Errours throughout most Ages and Cited.
Nations, and also, an Equivalency of
means to evince and to vindicate the
truth, by the wisdom of God, so propor-
tion'd to the diversity of times, as no Age
could have better then the present.

2. May I observe, that our present Age
and the differences of it, are of that
strange and singular Humour, that they
need an Exception from that Learned In-
timation in both Respects.

3. As for the things in Controversie
betwixt us, though, haply, they may be

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reduced to some Ancient Topicks, yet the
Matter of our Cases, as they now arise
from the force of the New Law, the Act
for Uniformity, they have much of pecu-
liarity and newness in them : and whilst
the Burthen of Resolving them remains
upon so weak a shoulder, the means may
justly be Censured, as inequivalent, what
so ever the blessing of God may be.

4. Yet, considering, the Discussion of
the present Debates depends more upon
a due examining of Rationall Conse-
quences, then upon Authority's of Anti-
quity, or any other Learning, that re-
quires long Experience and Observation,
I am not much discouraged : you seeing,
upon the Review (you have occasioned me
to make) I may self do discern some things
being not so more clearly then before, I take
encouragement to hope (as I heartily wish)
that you, my Brethren, may do so too.

5. I am sure my Aim is good, at, I
know, 'tis great. I could not hope to
hit it, at the first or second shoot : but,
through your Invitation, I venture again ;
that, if possible, by any means, I might at
length attain it : However, I shall reckon
the success far more worthy then all my
labours, if I only gain a little ground

in what I prosecute, and come nearer
and nearer to my desired end, for my
Brethren's sake, and the peace of Jeru-
salem.

6. You do quicken the expectation in
me, while you, modestly indeed (as you
say) signify to me, that, though my Re-
solution of the Grand Case hath not made
on you that impression, nor produced that
effect. I might Rationally promise to my
Self, yet yourselves cannot but observe,
it hath effected it in many others.
When, you think, I might rationally ex-
pect before, I hope, I may more cheer-
fully pray for, now: For without Arro-
gance, I presume to commend to your own
reason, whether most, if not all, of your
main exceptions are not blown quite off,
by this Second Ventilation of the matters
in difference.

7. I cannot doubt, but that you will
easily be satisfied, that a Comparative
Approbation is a sufficient ground for
unsignified Assent and Consent according
to the Act.

8. Also, that seeing you intimate, you
could hear the particulars you except
against in the Common-Prayer Book,
which cannot be without some Assent and

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Consent; and seeing, that no Assent and Consent cannot be other than Real; and seeing, all Real Assent and Consent, is, therefore, unfeigned; that you will not find further reason to scruple, to give your unfeigned Assent and Consent to the same.

9. For the matter of the Covenant, I hope you will better consider that the great hinge upon which that Controversie turnes, is not the necessity of Episcopall Government, but the lawfulness of it: For, though you think it not necessary in it self, or by the Word of God; yet if it be lawful, that is, not sinful, it becomes necessary upon us, by the Laws of the Land, and may not be sworn against.

10. Moreover, I would fain believe, that the great stones of the Reality and Nationality of the Covenant (it being essentiall to Oaths, in the judgement of the Reverend Casuist Bishop Sanderson, to be personal, and to bind but the Takers onely:) as also, that, about Church-Government established by Law; and the dissolution of the Long-Parliament, are perfectly removed out of your way.

11. But I shall not Anticipate: I leave
the

The Preface.

the Book to your Christian and candid perusal; accounting it no mean felicity, when it bath to do with persons Ingenuous and Learned, and truly desirous of satisfaction.

12. Yet, I must tell you, is much troubled me, that you took those expressions of felones, fures, & proditores de se, so tenderly to your selves.

13. I told you, they were the words of Dr. Donne, and wish'd they were not applicable in our Case. Indeed, it was far from me, to conclude all dissenters with them: nor dare I say, you deserved the charge in the least degree.

14. Yet I dare say, you will not plead for all dissenters: yea, that you do concur with Cassianus, that some men (he saith many) are carried to desire sufferings by humane respects, by the Spirit either of their Parents, or the Spirit of Levity, or the Spirit of Liberty; or, as I may add, the Spirit of a party: Yea, it is storied of one Eulalia, a Maid of 12 years old, that came from her Fathers house, declared her self to be a Christian, spit in the Judges face, and provoked him to execute her.

15. Now, no doubt my Brethren, the

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the same Spirit of zeal may work irregularly, in any, and in our Age: especially, when an opinion, that all the Godly, must suffer persecution, is spread over the people.

16. It is noted by Bodin, that Christians, in Tertullians time, were so pleased with suffering, that sometimes Edicts were made by their very persecutors, that no more Christians should be executed; because they perceived, that the Martyrs delighted in dying; and, my Dear Brethren, (if Christian Magistrates must be persecutors, and the effect of the Law persecution, and) if the readiness of your numbers to suffer, or any other consideration should prevail for a like Edict to stop your sufferings; I beseech you, do not think, I should be against it, I would not be thought your enemy, because I would tell you the truth, and earnestly persuade you to do your duty, and not to suffer when you need not.

17. I would rather stroke you with the feather, then prick you with the pen; except to provoke you to good works, and to mind you of your danger. Indeed, I feared, at the time I wrote my last Book, that many of my worthy Brethren were falling;

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ling; and I was (in my Epistle) somewhat earnest to save them, and that, I hope, was all my Crime, and no more then in giving up persons unwilling to pardon.

Give me leave to conclude with those notable words of Famous Doctor Collet, in his Sermon, p. 28. which I desire to do with the same Spirit that he spoke them; if peradventure it be thought that I have passed my Bounds, or have said anything out of temper, forgive it me, and ye shall forgive a man speaking out of meeze zeal; a man heartily lamenting the Decay of the Church; and consider the thing it self, not regarding my foolishness. Consider the miserable end and State of the Church, and endeavour your selves with all your Souls and Abilities (as be, to reform it, so I) to save it.

Now the Lord of peace himself give you peace, alwayes; and by all means; and O that you were as in moneths past,
My dear Brethren,

Job 19: 2

Farewell.

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CASE



CASE I.

Whether it be lawful to Declare in the words of the first Declaration.

CAP. I.

Touching the Book of Ordination.

I Find my self inclined, (whether from the easiness of my Nature, or a love of Peace) to all just means of a good accommodation, especially with Brethren: And confess in a Temptation upon me to use such Medians, as in my own observation are least disputed by my opponents: because it is the easiest way to encounter, and the likeliest to reconcile them. For the nearer I am to my adversary, the fairer is my advantage to lay

B

hold

hold upon him; and when we are agreed in the *premises*, I cannot but hope for a good *Conclusion*.

2. Such as are friends to *Conformity* could not choose but discover this peaceable design of my last Book; viz. the *Grand-Cause*, &c. Though give me leave to Note, that you my dissenting *Surveyers* of it seem not to apprehend it, by your great mistake even of the first *Argument* therein improved; by which mistake alone you labour to avoid the *Consequence* of it.

3. I distribute the first of the *Declarations* into two parts. The first part concerns the *Liturgy*. The second, the *Book of Ordination*. I begin with this second part, touching the *Book of Ordination*, and determine thus.

4. It is lawful to declare our unfeigned assent and consent to the form and manner of Making, Ordaining, and Consecrating *Bishops, Priests, and Deacons*: and I do indeed conclude this, partly, from the practice of many of your selves, who had formerly subscribed as much in your subscription to the 39. *Articles*.

5. This

5. This you say, is an Argument *à facto ad jus*, and not concluding; and if it be *absolutely* considered, as it is by you, I confess as much; but if it be *Argumentum ad homines*, and bear open respect to the persons with whom I dispute, as I plainly intended it; methinks it carrieth force enough.

6. For, in *Charity* we reckon, that such as did formerly subscribe, did it in *judgement* and *Conscience*; neither have we reason to believe, that they are dissatisfied with their former subscriptions in point of *Conscience*, until they have told the world so much, and given us the grounds of such their Conviction; and till then, why may we not conclude *à facto ad jus*, against such as have formerly subscribed, what they now refuse. *Viz.* That by their former *practices* not yet disclaimed, as against their *Conscience*, themselves conceive this part of the declaration to be lawful, and that they may lawfully declare accordingly.

7. Most have done a thing, therefore all may lawfully do it, is indeed *bad Logic*. But that which you judge,

you may lawfully do, you cannot say you may not do it. Now I only assume, that you judge you may lawfully do that which you have formerly done; and if this fail, I think it yet lies upon you to shew us and the world the reason why.

8. But a little more plainly, my *Argument* lay thus; Those that have subscribed this part of the Declaration already, in the 39. *Articles*, and read their *allowance* of it openly to their several Congregations; and that are convinced, that had not this been required in the *new Declaration*, no *Conformity*, without subscribing the 39. *Articles*, of which this is one, could *legally suffice*; and yet affirm, that had not these *new Declarations* been required, they intended to have *Conformed*; may doubtless, lawfully, as to their *own* principles (for you could not choose but see that my *Argument* was *ad homines*) declare their unfeigned assent and consent to the book of *Ordination*.

9. But you venture also to gainsay my *Assumption*, which you please to term a *confident assertion*, and say, you cannot

cannot, but conceive strangely of it. I shall not be moved to say this is strange *consider*; only I humbly conceive, you may well *obscure* somewhat of it by a *new* survey and *second* thoughts.

10. My Assertion, (as you have collected it) is this; that the *most* who had Livings, had, at the writing my Book, *subscribed* the form and manner of Making, Ordaining, and Consecrating of Bishops, Priests, and Deacons, required by this *Article*.

This Assertion you assault after this manner. We do not know, say you, the *most* that then had Livings; and therefore cannot ask them the question; but *we think they must be most of them reordained according to the new form. Presbyterial Ordination had sure been very Active and Extensive, and Presbyters were easie wheelers.*

11. But pray consider, why must the *most* of the Ministers that possessed Livings before the 24. of *August* last, be Reordained according to the new form? were there not many that enjoyed their Livings to that very day that were never *Episcopally* ordained?

But your thoughts spent upon Re-or-dination had been better Improved upon the Ejection of those Ministers that were found in other mens Livings; this might have sendred my Assertion less strange to you.

12. I do not say that the *Presbyterians* were easie wheelers; yet you know they were upon the wheel; and very many of them were by vertue of a former *Act* of Parliament turned off, and others that were *Episcopally Ordained*, and had been *Legally inducted* into the same places long before, had the better turn of being restored.

13. Now I hope I may have leave to conclude, that the many Ancient Ministers that were ~~was~~ restored, added to the number of such, both *Presbyterians* and others, as had continued in their places, during all the time of our great *Distructions*, may easily make the Number of *Subscribers*, even at the time of writing my Book, to exceed the number of Ministers that then enjoyed their Livings, and had not subscribed.

Your next *Objection* is, that it was not the same Book of *Ordination*, which
was

was subscribed before, it being in several things altered.

14. But, my dear Brethren, do not let us quibble away our *Unity and Peace*. Can you say, I am sure you do not say, that these books are not the same for substance? Can you believe that any can subscribe the *Old*, that can refuse the *New*? Yea, is not the book altered for the better in your own apprehensions? and cannot your selves rather subscribe the *New* one?

15. You indeed, offer that *some Additions and alterations* made may *hinder* your subscriptions: but certainly, if any such there be, it is but fair, either to discover them, or not to argue from them.

16. I shall not ask you, whether every *accidental alteration* doth change the *individual Subject*? Whether the paring of your *Nails*, or the suffering the *Alteration* of every dayes *Nutriments*, render you not the same men? if so, *where* do I reply unto? or where shall I find my *Surveyers*?

17. But your next *Iron* calls me to be more serious, viz. that *black mark*
your

your pen hath cast upon some *Cheshire* Ministers; to which I have only this to say, that though I dare not approve, but did personally dissuade some brethren from the same Action; yet [give me thinks the Love of Brethren] might have had a better interpretation, or at least a milder reprehension, if not a more private one for it, especially considering the reason of State that prevailed for such alterations in order; Mainly for the satisfaction of such as are unwilling to conform without a Reformation; and therefore not likely to give any dissatisfaction to such as could Conform before; yet I would not plead for a scandalous practice, as I fear that was.

18. You do further object, That the *Law* might be satisfied with reading and subscribing to many of the thirty nine Articles as contain only the Doctrine of Faith, and of the Sacraments, with an omission of that which concerns the Book of Consecration, according to the Statute.

19. I know this hath been the opinion of many; yet I ever thought it a mistake

mistake; grounded upon a mis-understanding of the Statute.

20. The words of the Statute are these, [*And subscribe to all the Articles of Religion which only contain the Doctrine, &c.*] [*which only*] refers to the antecedent [*all the Articles*] and serves by way of explication of the Nature of all the Articles, and not by way of exclusion of any of the number; the sense is this; *which*, that is, *all which Articles contain only the Doctrine of Faith and Sacraments*.

21. It is not said, *All those Articles only which contain*; or, *Those Articles which only contain*; but, *All the Articles which contain only*; explaining the Nature of the whole, and not excluding any one of the number; the Statute requires subscription to the whole number, which are all of that nature.

22. Here is the Continent; *All the Articles of Religion*, which we know are *nine and thirty*; the thing contained, and that is, *only the Doctrine of Faith and Sacraments*; there is not one excepted, either from this Nature, or from our Subscriptions; besides, if we exclude

exclude an Article after this manner, we fail in Arithmetick as well as Grammar; and while we have but thirty eight, we cannot be said to read or subscribe the nine and thirty Articles of the Church of England.

23. You intimate, That the Article touching the Book of Consecration is no Doctrine of Faith, or of the Sacraments.

24. I answer first, This is only to quarrel with the fitness of the explication, and the Parliament that gave it us, who, surely, did ill to tell us, That all these Articles contain only such Doctrine as is not to be found in one of them. But the Grammatical construction of the words will stand well enough, and carry it, That all the thirty nine Articles of Religion contain only such Doctrine, in the judgment of the Parliament that made that Statute, unless you can shew us the exception of any one of those Articles, made by the same Authority, either in this or some other Law. *Ubi Lex non distinguit, &c.*

25. Besides, Who knows not that the Doctrine of Discipline, Government,

ment, and Worship, and the Doctrine of *Imposition of hands* and *Ordination* is to be believed, and in a large sense is a Doctrine of *Faith*. In which sense, if the *thirty nine Articles* of Religion are said by the Statute to contain only the Doctrine of *Faith*, and of the *Sacraments*;

26. However the Article touching the Doctrine of *Ordination* be understood to be a Doctrine of *Faith*, or not, it matters nothing as to our question, or to the unreserved subscriptions of most of the Ministers to all the nine and thirty Articles, of which this is one.

27. Lastly, you say, That the form of subscription required in this particular, by the new Statute of *Uniformity*, is such as was never required by Law before, this requiring an *unfeigned assent and Consent*.

28. But give me leave to ask you, Did you not subscribe to the *thirty nine Articles*, before, *ex animo*? And were you not required so to do? Now what act of your Mind was exercised in that your subscription, if you did not *assent*? And if you did assent, did you not assent *unfeignedly*,

unfeignedly, but hypocritically? Or if you did assent unfeignedly, did you not consent also thereunto?

29. I need not tell you, that very learned men judge, that there is very little or no difference betwixt *Assentire* and *Consentire*; and, doubtless, if the object of both be the use of things, as it is in the present Case, they are all one, though, if there seem any difference between them, *assent* hath the advantage, *consent* seeming, of the two, to be the weaker, and the less free expression of our selves.

30. Therefore, let the Statute it self decide the difference, viz. that of 13 *Eliz.* 12. which hath rendered the Latine, *ex animo*, by the very term in controversy, an *unfeigned assent*, clearly intimating, That all that have subscribed the thirty nine Articles *ex animo*, have already given to the form and manner of Making, Ordaining, and Consecrating Bishops, Priests, and Deacons, their *unfeigned assent*, and, by consequence, their *consent* too, and need not, without some other reason, to the contrary, scruple to do it again.

13. But

31. But I hasten to the Case arising from the first part of this first Declaration, which concerns the *Liturgie*, against which you grant, that there lieth the greatest burthen of exception.

CHAP. II.

Touching the Book of Common-Prayer:

SECT. I.

1. **W**E come now to review the second Case, arising from this first Declaration, which is this.

2. Whether it be lawful to declare our unfeigned assent and consent to all and every thing contained and prescribed in and by the Book Entituled, *The Book of Common Prayer.*

3. This I affirm, and in the defence of my Assertion, still stand upon my former ground, viz. a supposition, that I deal with persons that intended to have conformed, had not these Declarations been required.

4. To this you also encourage me while

while you say, that though you *could* have conformed, yet you *cannot* make and subscribe this Declaration.

4. But, my dear brethren, give me leave to demand once more, *What hath bindred you?* cannot you *assent* and *consent* to that which your selves can practice? or cannot you do it unfeignedly? or cannot you declare so much?

5. You say, I tell you the *Object* of our Assent and Consent is not the *words* but *things*: There are several Expressions, which though we could safely read, yet we do not so heartily approve them, as we seem to be required: not every thing, as there expressed, but every thing contained in the Expressions must have our *Assent*.

6. Here pardon me, if I fear you were somewhat in haste, when you took your survey by *Review*; you will find you have (may I say, too carelessly) shuffled in an *Objection* I made betwixt the parts of my *Answer* to it; and so force me to speak your own sence, or indeed Non-sence.

7. But, I am about *things* and not *words*,

words, though I cannot but note, that all you say about your wordy things are words that signify nothing as to your own Case, who say you could Conform to the book of Common Prayer, and consequently, I hope, read the words thereof with your *unfeigned assent and consent* to the lawfulness of the same.

8. This was the close of my former Answer to the *Objection* proposed; and though you could not but think yourselves obliged thereunto, yet you have taken no notice of it in your survey at all.

9. But, at last, you come home and object, that there are some things contained in the Expressions, which you cannot assent and consent unto: but what are they?

SECT. 2.

SECT. 2.

Of, let us beseech him, &c.

1. **F**irst you are scandalized at that alteration in the *Absolution*, Wherefore we beseech him, is now rendered, wherefore let us beseech him to grant us true Repentance, &c. It now seemeth (you say) to be an *Authoritative Sacerdotal Absolution*. But truly, if you think again, I am very confident you will change your mind, and judge, with me, that as the words are now altered, they do not look so like an *Authoritative Sacerdotal Absolution*, as they did before.

2. Besides, when you have well considered, that we have constant and daily need to beg pardon and mercy, and to receive *Absolution*, for safety and Comfort, from the Word of God: I believe you will not much object against the declaring the word of mercy to the penitent by the Minister of the same; though it should have been (as
now

now it is not) made a standing piece of solemn worship in every approach to God.

3. But you add, if it be not a form of *Authoritative Absolution*, yet it is a *Ministerial Exhortation* of the people. But what then? methinks that should pass well enough with us; it being not refused, but constantly practised in Scotland it self; yea it is the substance of all our Sermons.

4. But then you intimate, that the *Amen* of the people thereto subjoyned, is impertinent.

5. Pray, why *impertinent*, subjoyned to an *Exhortation*, more then to the *Creed*, a *Confession* of our Faith; or the *Demonstration of the Curses*?

Deut. 28.

Let us not discourage the people to declare their *unfeigned assent and consent* to an *Exhortation* to their duty, though it be with an *Amen*.

6. But this, you hint, you stick not at. Ah, what then? You add, we are to be convinced, that the *Words* of the *Lords Prayer* are the *Necessary and only lawful Petition* for pardon of sin in every approach to God; yet that is constantly

C

stantly

stantly subjoyned.

7. Pray reflect a little upon these words of yours, and I hope you will pardon me, if I say you mistake.

8. What can the force of these words be, but that if you assent to the book of *Common-prayer*, you must assent to *that* of which you are yet to be convinced; *viz.* That the *Lords Prayer* is the necessary and only lawful Petition for pardon of sin in every approach.

9. First, I desire you to consider, upon *what occasion* you utter *this*: because the *Lords Prayer* is subjoyned to the Exhortation in the Absolution. Now, if you observe, you will find, we are not here exhorted to pray for pardon expressly and directly, but for true Repentance, acceptance of our present Duties, the holy Spirit, a holy Life, and Eternal Joy: as the words of the Exhortation plainly import.

10. Again, if this be granted to be a Ministerial Exhortation, to pray for pardon of sin, how doth it follow that the *Lords Prayer* is accounted the necessary and only lawful Petition for this mercy in every approach to God?

is

the Grand Case.

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is the Absolution in every approach to God? Or if the Lords Prayer be, must it therefore be accounted the only law-
ful petition of pardon of sin?

11. Lastly, all the reason you ex-
press, to enforce this Conclusion, is in
your last words [that the Lords Prayer
is constantly subjoyned;] but that in-
deed is no reason at all: for though it
be constantly, it is not only enjoyned
as a Petition for pardon of sin; and
therefore, you cannot say that it is re-
puted or enjoyned as the only lawful
Petition for that end; and consequently
your Objection vanishes.

12. Can it be affirmed by any that
converse with the Book of Common
Prayer, that if we do assent unto it, we
assent that the Lords Prayer is the only
lawful Petition for pardon of sin; while
we find so frequent and so various forms
to that purpose, even from the begin-
ning to the end of the said Book, besides
that of the Lords Prayer?

13. What do those words in the
Confession signifie? But thou O Lord,
have mercy upon us miserable offenders;
spare thou them that confess their faults;

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Re-

Restore thou them: that be penitent? How often do we meet with, *Lord have mercy upon us, have mercy upon our miserable sinners.*

14. Again, more expressly, Remember not Lord our offences, nor the offence of our forefathers, neither take thou vengeance of our sins; Deal not thou with us after our sins, nor reward us after our iniquities; mercifully forgive the sins of thy people, and abundance more is the Office of Communion, the visitation of the Sick, Communion, and indeed, either more expressly, or implicitly, in every approach to God by the book of Common Prayer, we have other Petitions of pardon of sin, besides the words of the Lords Prayer,

13. Thus we see, that wise and good men may have cause to joy with us, in the words of our Liturgy, that it may please thee to forgive us all our sins, negligences, and ignorances.

SECT. 3.

SECT. 3.

Of popular Responds.

1. Secondly, you complain that you cannot Assent and Consent, to the word [Answer] and the other directions for popular Responds; for these are, you say, in Mr. Cressons Dialect, Repugnant to the Apostles Rule, *Let all things be done decently and in Order.*

2. My dear breibren, pray consider, that though these things seem so directly repugnant to the Apostles rule of decency and order with you & Mr. Cresson; yet they did not seem so, to our present Governours. What Order can be prudently expected in Church or State, if every private spirit should be Judge thereof; and accordingly, Ad or Reject in publick Administrations? Yea, I dare in this thing appeal to your selves; were you in the place of Government, durst you trust the management of all indifferent things, and all external Circumstances about Gods Worship, to every private Discretion? I am sure the Apostles did not.

3. However, you say in your Preface, that you have admitted and could admit many *inexpediencies* for the liberty of your Ministry. Now I am confident you will not say these are other than *inexpediencies* in your own judgments; and the reason of this confidence your selves have given me, page 15. where, referring to these things, you say, you could *submissively* bear these things; which cannot be understood, but in the use of them, and conformity to them: Now how you can admit *inexpediencies* in your practice, and bear with these things, and yet not give some assent and consent thereto, I am still to learn, especially that they are *indifferent*, and not *simply sinful*, though perhaps *inexpedient* in your opinion.

SECT. 4.

Of the Holy Table.

1. **A** Gain, you are offended at the word [*Holy*] as an *Adjunct* to Table, frequent in this Book; for you

know no holiness of Places or Instruments under the Gospel.

2. For answer herunto, pray ask your selves in what sence *Places* and *Instruments* might be said to be *holy* in the time of the *Law*, that the *Gospel* dispensation cannot bear, as you seem to intimate.

3. Nay rather, is not that holiness that was restrained to some places and some things in the time of the *Law*, now spread, by the coming of *Christ*, over all places and all things; *To the pure all things are pure. What God hath sanctified, call not thou common or unclean.*

4. So that any place or any thing that is capable of use, in order to Gods Service, by this grace of the Gospel we have liberty to use it, and to set it apart for that peculiar use about the Worship of God; as this publick house and not another, this particular Table and not another, &c.

5. This, I know, neither you nor M. Crofton will scruple at; and this granted, you must needs confess that the exception against the word *Holy*, as given to the *Table*, is only a strife a-

bout a word; for indeed you allow the thing, and all the thing which this word, as applied to the *Table*, intends to signify.

6. Neither can you reply, that it is improper to call a *Table*, in this sense, *Holy*; seeing you may easily know, the Church doth not intend by calling the *Table Holy*, a proper but a *figurative* holiness, or a holiness not *inherent* in the thing, but *predicated* of it, with respect to the *end* and *use* for which it is set apart; which distinction (I need not inform you) hath undeniable ground in Scripture.

7. Yet, seeing you say you know no holiness of places under the Gospel, give me leave to remember you of the *Holiest* of all, *Heb. 9. 3.* and that peculiar to the Gospel-state; the Holy Ghost signifying that the way into the *Holiest* of all was not yet made manifest, while the first *Tabernacle* was yet standing, *v. 8.*

8. Yea, this seems to be a place to be entered into even in this life. Having therefore boldness to enter into the *Holiest* by a new and living way—And having a High Priest over the House of God.

God. Let us draw near with a true heart—
not forsaking the assembling of our selves
together, as the manner of some is, *Heb.*
10. 19 to 26. To this the *Holy Cūa*
answereth, *Revel.* 11. 2. & 21. 2. & 22. 9.

9. But I am afraid of being mistak-
en; let me therefore have leave to add,
that the end of my alledging these
Scriptures is only to let you know,
that *Holiness* is attributed to places un-
der the Gospel. Contenting my self with
my former *Answer* to the *Objection*,
without any strict Application of the
Scriptures pointed at to that end and
purpose.

10. Howbeit, if you acknowledge,
as I know you do, with the Apostle, *Rom. 2.*
that there is *such a thing* as *Sacrilege*
under the Gospel; you may easily per-
swade your selves that some things may
warrantably bear the *Attribute* of
Holy, even under the Gospel: for
what is *Sacrilege*? *ισπαρουλια*; it
unquestionably imports, that either
the things that are stoln, or the place
out of which they are stoln, are called
Holy.

11. In a strict sence, *Sacrilege* is, a
Robbing

Robbing or stealing things out of the Church, or any Holy or Consecrated place, and then *Sacrum in Sacrilegium*, *ἁγία in ἁγιοσύνη*, signifies the Church; which very words carry Consecration or Holiness in them. For *ἁγία* is properly *quid sacrum*; As *sacrum* is that which is Holy, and the Church is therefore called *holy*, because it is Holy.

12. Yet in very usual, and generally allowed speaking, *Sacrilege* is a larger Notion, and intends any spoiling or alienating any thing devoted or dedicated to God in order to his Service. Thus the things are called Holy, that are given to an Holy Use, or the service of the Holy God, and separated from common use to that special purpose; and he that steals and spoils the Church of the same, is *Sacrilegius*, or one that Robs God, and commits Sacrilege.

13. Thus Churches, Lands, Table, Chalice, Cup, may be said to be Holy; not in themselves, but their end and use. Therefore, to dedicate a thing after this manner, is by the Latines called *Sacrare*, by the Greeks *ἁγιάζειν*, and may in English, I think without any just

Just offence, if well understood, be expressed by *Consecrating* or making *Holy*.

14. I am sure the *Apostles* word is, *is sanctum*; and that hath *holy*, or *sacrum* in it, which from the *Caldie* is rendered *sanctum* *et* *holy*, making an *holy* *Holy*. The *Syriac*, *sanctum* *et* *holy*, intimating that either the *Temple* or the *Vessels* thereof, or both, are *Holy*. The *Aethiopic*, *Expilus Domum Dei*, calling the place of *Worship*, the *House of God*, and consequently, *Holy*.

15. What remains, but that you no longer startle at the *Holy Table* which you know is set apart for the *Supper of the Lord*, to bear the *Cup of the Lord*, to serve the *Communion of the Body and Blood of the Lord*, and the *Holy Communion*, or the *Communion of Saints*.

SECT. 5.

SECT 5.

Of the old Translation of the Psalms.

1. **A**S to your Exceptions to the old Translation of the Psalter, and the pointing of it, they are not strengthened with any proof at all; nor so much as an Instance.

2. It yet lies on you to evince that this Translation is corrupt, as you have asserted, that the pointing makes manifest Non-sense, (which indeed serves not the sense at all, but only the Music) that it varieth the Text from the Original, yea, from Truth it self.

3. I confess, that such strange exceptions have been thrown against it heretofore, by the old Non-conformists; but, I suppose, you know they never wanted Answers.

4. You add the corrupt Translation of the fourth Commandment, where in the close of it, the seventh day is put for the Sabbath day.

5. But though I do not vindicate this

this Translation, yet I cannot but observe the extream emptiness of this Objection. Was not the Sabbath day then the seventh day? it is said, *God rested the seventh day, and blessed the Sabbath*: Yea, was not the seventh day the Sabbath day? It is also said, *the seventh day is the Sabbath of the Lord*, by God. 6. Besides the Septuagint, the Arabic, and the Syriac, do all agree in the same Rendition with our own Translation: so that if it be so gross an error as you pretend, it is a very old one. But indeed, whether the not altering of the word, were an oversight in the Examiners, or not, the sense must needs be yielded by you to be the same either way.

7. However, here again, I must needs remember you, that you could submissively bear these things; that is, by conforming to use them as *Mundere*, and that this your bearing of them doth undeniably suppose such an Assent and Consent unto them as the Law requires, which I doubt not to be Evidence in its due place.

SECT. 6.

S E C T. 6.

Of the Salvation of Infants.

1. I Am now arrived at the last of your exceptions of this kind, and that is taken from those words in the *Liturgy*, touching the Salvation of Infants. It is certain by the Word of God that Children being baptized, dying before they commit Actual sin, are undoubtedly saved.

2. You say you can Christianly believe the Regenerating Nature and Efficacy of Baptism, but that the pretended Salvation of all baptized infants dying before they commit Actual Sin, is certain by the Scriptures you say you cannot see.

3. But truly, my brother, I cannot see, than so much is required of you. And therefore I must be bold to remind you that the universal Note [All] is of your own inserting. It is not said of Children, but *Children*.

4. It is an indefinite Proposition, and it is a Proposition, and consequently, neither

Rubrick for direction, nor any part of *Administration*, is not of a practicable Nature; and I humbly conceive, it will appear anon, we are not required by the *Act* to subscribe to it; the *Act* makes the *Object* of our *Assent* and *Consent*, in the Declaration, to the use of *things* contained and prescribed in the *Common Prayer*.

5. Again, as it is an *Indefinite Proposition*, I conceive you need not scruple it, seeing you allow, and believe with a *Christian* belief, the *Regenerating* nature, use and efficacy of *Baptism*.

6. For upon this belief, we must agree thus far; that this *Essence* of *Baptism* hath its Effects upon *some* of its *Subjects*; and if this belief be grounded upon the *Word* of *God*, then so much is certain from the *Word* of *God*, that *some Children* being *Regenerate* will be put in a state of *Salvation* by *Baptism* and therefore, dying before they commit *Actual sin* are undoubtedly saved.

7. But your reply, is it not said *Some Children*, but that is *Children*, all *Children*.

8. I therefore proceed upon this

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~~Proposition~~ to Inquire, whether the ~~Proposition~~ in Controversie be to be understood in a Universal sense, or not. This is indeed the ~~Question~~, yet by my consent, you have liberty to Answer it your selves. For first, If this Proposition be to be understood Universally as to all such Children that are mentioned in it, the matter of it must be necessary. For the form of the Proposition is indefinite, and an indefinite Proposition is not equipollent with an Universal, but in ~~Matter Necessary~~. So. You have yet your choice to say, whether the Matter of this Proposition be necessary or not. If you say the Matter of it is not necessary, then the meaning of the Proposition is not Universal, and the difficulty is over, seeing it is agreed, that Baptisme is regenerating, and some such Children are saved. For if some Children, then Children, that dying, are saved, and that is sufficient, If the Matter be not necessary, and consequently the Proposition not to be understood Universally.

12. Again,

12. Again, If you urge that the matter of this indefinite Proposition is necessary, then I am content you can elude it *universally*, & extend it to *all* such children.

13. For what is the matter of the present proposition; but the *salvation of baptized Children; dying before they commit actual sin.* Now this is granted to be true of some, else the Promise is of none effect to the Children, and Baptisme of no efficacy; and if it be said to be necessary, it must be true of *all*; and you need not doubt to *Assent* unto it in a *universal* Proposition.

14. Thus *Jesus Christ, the True faith, Came into the world to save sinners.* This is a true Proposition, whether the matter be necessary or not; because it is certain that he came into the world to *save some sinners.*

15. For if the matter be necessary, then it is *Universally* true; if not necessary, then it is *indefinitely* true; if he came with a purpose to *save all*, he came to *save sinners*: and if he came not with a purpose to *save all*, yet he came to *save some sinners*; and therefore *sinners.*

16. *Once more, that Baptisme is for the Remission of sins, is a certain Truth,*

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or

Acts 17.

an undoubted proposition grounded on the Scripture, be Repealed for the Retractions of some

This is a Proposition of an indefinite Nature; if the matter of it be necessary, it is true, as I have said, Universally; (where its efficacy is not impeded by the incapacity of the Subject) as it is not in Children: but if the matter be not necessary, the Proposition is still true, that is, indefinitely.

To conclude, either all such Children are saved, or some only; In either sense, the Proposition being but indefinite is true; if all such Children are saved; then the Matter is necessary, and the Proposition equipollent with an Universal Proposition: if some only, then the Matter is not necessary; and consequently, where it is no necessity, yet, no liberty left us, to stretch the Proposition; which is indefinitely both in its Form and Matter, unto an Universal signification.

SECTION 7.

SECT. 7.

Of Assent and Consent unfeigned.

HAVING dispatcht your objections against the Objects of your Assent and Consent required by the *Alt.* viz. The book of Ordination, and the book of Common Prayer.

We proceed to review these *Alt.* themselves, this unfeigned Assent and Consent, upon which a greater stress of Controversie yet remains.

1. An Objection that I proposed and Answered in my last book, seemed, I think not to create, yet to provoke and very much to heighten this part of the quarrel.

2. The Objection that I proposed, was this: I suppose it might be said by some, that though we could use the things, it is only for Peace sake, and in Obedience to Authority; not that we would *choose* or can absolutely approve of the things in themselves.

3. Hocunco, answered, as you well note, that we may approve a thing absolutely, or comparatively, or respectively, and consequently, so give our Assent and Consent unto it; and

that the *Ad* cannot be thought so strict as to allow of no *Assent* or *Consent*, but such as ariseth from an absolute approbation of the things themselves, without any other extrinſick conſiderations, that may move and ſway us to ſuch an Approbation.

6. The *Ad* requires but an unfeigned *Assent* and *Consent*, and an unfeigned *Assent* and *Consent* may ariſe from ſuch a comparative Approbation, as a man may unfeignedly *Assent* and *Consent* to his Childs Marriage, though he like not the Match very well, for the avoiding of ſome greater inconveniencies that otherwiſe might happen.

7. I further obſervd, that to interpret the *Ad* into ſuch an absolute approbation, is againſt clarity to our ſelves and our *Governeours*, and againſt common reaſon; ſeeing it is a moral impoſſibility, that all men ſhould be maſters of our ſelves in ſo many particulars required of us; ſeeing alſo the grounds of this *Assent* and *Consent* are not ſpecified in the *Ad*, but left to our ſelves; and laſtly, ſeeing that the very *Ad* it ſelf brings motives with it to perſwade us to Conformity, which would

signifie nothing, if no consideration of the Case, besides, the absolute good use of the things themselves, is allowed any force to prevail upon us.

8. I therefore conclude, that we are left at liberty by the said *Act*, to compare the Consequences of obedience with those of disobedience, and accordingly to approve or declare, or not.

9. Now let us examine what you say to these things.

1. To my argument from charity, you answer it, only, with less Charity.

2. To my argument, that the grounds of Assent and Consent, are not specified in the *Act*, but left to our selves you answer nothing, because you mistake it.

10. You observe well, that I say, the grounds of this Assent and Consent are not specified in the *Act*. But how strangely do you Comment upon it?

11. If by ground (say you) I mean the reasons inducing the Legislators to require such an Assent and Consent you must be bold to deny what I affirm. Then you shew the grounds in the *Act*, for enjoining such a declaration of Assent and Consent: And this is all you say.

12. Now had I meant as you suppose, I confess you had answered me. But if my words could not signify any such thing, as upon review you will be easily convinced, you have answered *yourself*, and not me at all.

13. Pray then Consider, is there not a difference between the grounds of *Assent and Consent*, and the grounds of the Governours to *enjoin a declaration of Assent and Consent*? could the scope of my argument, or the very words of my proposition, intend the latter, or not the former?

14. The grounds of *enjoining* such a declaration are in the *Legislators*; and are the grounds of the *Act* requiring: these, indeed, are specified in the *Act* of *uniformity*: But the grounds of *Assent and Consent*, or of *declaring the same*, are in the *Subjects*: and are properly the grounds of *obedience* to that *Act*, which, I must still say, are not at all specified in it.

15. To my other argument, taken from the motives which the *Act* itself affords us, you only say, that such Arguments, as the *avoiding a severe penalty*, a *legal opportunity of serving the Church*,
not

not shewing our selves cross to authority, but are bad inducements to an unfeigned Assent and Consent.

16. But, upon second thoughts, I cannot believe you will maintain the Quarrel with such motives as these, which have doubtless a divine sanction; what more familiar, with the Spirit of Scripture, than to use such Topics of wrath, threats, curses, death, and Hell it self, to dissuade from sin, and to move towards Heaven; and yet, I hope, the Assent and Consent, wrought here-upon, is not alwayes feigned, or alwayes a faint unfeigned Assent and Consent.

17. Neither, can I believe, that you are scrupulous in this, because you say it might somewhat satisfie us, if we had assurance from our Legislators that such a comparative approbation would satisfy the Law. For I conclude from hence, that what ever you say, there is not, even in your apprehensions, any inconsistency or contradiction betwixt such a comparative approbation and an unfeigned Assent and Consent. Though I can see no reason, in the world, why the Legislators should expressly declare so much.

18. We have the intention of the

Act, and why should we further trouble our selves about the intention of the makers of it? The *Act* intends, and therefore requires uniformity, in order thereunto; conformity, and security thereof, by this declaration of an *unfeigned Assent and Consent*.

19. So that, it is the intention of our Governours, that we should assure them, as much as in us lies, as to uniformity in practice, by giving our *unfeigned Assent and Consent* thereunto; It is not said upon an absolute or upon a comparative approbation: If it be *unfeigned*, that is the very thing required, and therefore, intended. Then the great Question is, that which is indeed beyond all question, viz. whether we may be drawn to give *Assent and Consent*, and that *unfeignedly*, from other considerations besides the very goodness of the thing in self, absolutely, and in it self alone, considered.

20. If it be granted, as it cannot be questioned, then our Governours have already declared, that such a comparative approbation doth satisfy the Law.

21. For if there be an *universal agreement* in the worship of God, though upon

upon differing motives, and uniformity be effected, though not from an *Exact unanimity* in every particular reason or ground thereof, the Law hath its end *quoad executionem*, which, I conceive, is the best measure of its end *quoad intentionem*.

22. I say, indeed, had the word [Free] been used in the place of *unfeigned*, there had been more colour of objection. And for this you take me up, and learn me, that *Freedom* is *essential* to *unfeigned*.

23. But what then? might there not be more colour of objection, if not more reality?

24. I thought, I might have bin easily understood according to that *vulgar* use of the word *free*, wherein the objectors used, and I interpreted it. viz. When we do choose a thing of our own accord, and Assent and Consent unto it for its self, without any further inducement thereunto from the Law enjoying it.

25. Moreover, take *Freedom* in its strict and proper sense, as moralists use it, and doubtless, it is as *Essential* to *Assent* and *Consent* as it is to *unfeigned*; yea, *unfeignedness* is as *Essential* to *Assent*,
and

and *Consent*, as *Freedom* is to *unfeign-
ed*; and then what have you gained by
this interruption?

26. Therefore *unfeigned*, the word
so much stuck at, that bears the very
burthen of general complaint, gives on-
ly the colour, nothing of the truth
of the weakest objection.

27. For it really adds nothing to
Assent or *Consent*, or to the declaration
at all for all; *Assent* and *Consent*, as
such, is both *unfeigned* and free.
And tis a plain contradiction, to say a
feigned, *Assent* and *Consent*; we may
indeed, make a *feigned* Declaration
of our *Assent* and *Consent*, but we can-
not declare a *feign'd* *Assent* or *Consent*;
for there is no such thing.

28. What remain, but that we lift
our feet over the word *unfeigned*, and
stumble no longer at it; but proceed to
Assent and *Consent*, which ever carry
the thing of *unfeignedness* with them. So
that, if we can truly *Assent* and *Consent*,
we do it *unfeignedly*. And if we do
Assent and *Consent*, *unfeignedly*, let
the grounds and motives be what they
will, the Law is satisfied, and so may
we.

SECT.

SECT. 8.

*Of the phrase in the 18, [the use
of all things, &c.]*

1. **B**UT I humbly conceive the main
Bier is yet more easie to our
Assent and Consent, if it be consider-
ed not in its speculative but practical
capacity; or with respect to Confor-
mity, and our use thereof in the wor-
ship of God, as the 18th most plainly al-
loweth us to do.

2. Indeed, if you demand, what we
must yield our unfeigned Assent and
Consent unto, the declaration tells you,
to all and every thing contained and pre-
scribed in the Book of Common-prayer.

3. But if you again demand, in
what respect, or after what manner,
you must Assent & Consent to the same,
The 18th interprets as they are practi-
cally considered, or with respect to their
use, in order to publick uniformity in
the worship of God.

4. Therefore the words immediately
foregoing this declaration, I have noted,
are these, every Minister shall declare his
unfeigned Assent and Consent, to the use
of all things in the said Book contained,
and

and prescribed in these words, and no otherwise they are the words of this Declaration. It is further to be observed, that wheresoever this *Act* doth any time mention the said Declaration, it puts this very meaning upon it, that thereby we are to declare our unfeigned Assent and Consent to the use of Common-prayer, and that is all is intended by the words of this Declaration.

The sum is this, in these words, as the *Act* interprets them, we do but declare our unfeigned Assent and Consent to the use of common-Prayer, wheresoever there is an Assent and Consent to the use of common-Prayer, there is an unfeigned Assent and Consent thereunto: and where there is a purpose to Conform, were not this Declaration required, there is doubtless an Assent and Consent, yea an unfeigned Assent and Consent to the use of Common-prayer, which is all in this particular, we are desired to declare, and what yet can hinder us?

You say, that this refers our Assent and Consent to the using *Act*, and that only: you cannot see, neither indeed can I see how you infer it from
my

my words immediately repeated by your
selves: *All things with respect to their use.*

7. The using *Ad*, and a thing with
respect to its use, are not all one; they
differ formally: the one is the *Ad*, as
you express it, the other the *Object* of
that *Ad*, as I must needs intend it;
one would think beyond all possibility
of misapprehension.

8. Yet, upon this misapprehension,
you proceed and enlarge your selves a-
bove one page, answering your own
Supposition, not my *Proposition* at all.

9. I do clearly grant, that we do *not*
Assent and Consent to the use of the
things *exclusively* to the things them-
selves, which sounds to me an impossi-
bility in it self, yet we Assent and Con-
sent to these things *only*; (I mean, we
need do no more) as they are practi-
cable; or as I plainly expressed *that*
first, with respect to their use.

10. So that all the *Dust* you misel
upon this false ground, about *Uni-*
formity, with its *scurre*, *Unanimitie*
is fallen to nothing; seeing my last
Expression about it, which your selves
also noted, that alloweth the *Object*
of Assent, and Consent, to be *all*
things

things with respect to their use, serveth both *Uniformity*, & *Unanimity* in it.

11. Only let me enter this caveat, let not *Unanimity* outstretch *Uniformity*, while we Assent to the use of *all things* in the Book, we assent to those things that are to be used, and to no more.

12. *Uniformity* is restrained to the publique *Worship* of God; so far, a Universal agreement therein by Assent and Consent is to be allowed; to be the sence of the Law; that is, to the use of *all things* in the Book of Common-prayer; and to the things themselves as they are *profitable*, or proposed to be used, or, as before, with respect to their use in the worship of God.

13. Hence appears the difference betwixt the two *Declarations* easily enough. In the first, we consent to the use, and the things to be used; in the Second, we move then Consent, we promise that we our selves will use them, or conform unto them in our

14. Give me leave to subjoyn two *advantages*, which offer themselves from this interpretation, towards a good accommodation betwixt us.

15. 1. Then if there be any such things

thing found in the *book* of Common prayer, as is not of a practical Nature, as a part of a publick *Liturgy*, or capable of use in publick Worship, (and I humbly offer whether *this* touching Children dying Baptized is not *such*) is need not be concerned in our Declaration or Subscription.

16. Things, with respect to their use, are properly, and more immediately to be considered, as *fit*, not as good in themselves, but as fit for the services for which they are intended: yea, it is not necessary that *this* *must* be referred to the *things* to be used, but rather, the person that is to use them, and our use of them.

17. So that, upon the just weighing of all Circumstances, if we *can* consent, that for the avoyding of certain great inconveniences, the use of these things (not *sinful* in themselves) is a *thing* to be chosen, that this Conformity is to be practised, we have sufficient ground according to the *Act*, to declare our Assent and Consent thereto.

18. What remains, but that we are yet allowed *this* to reason. Here is *such* a Declaration required by *Law*, and
such

such a severe *Penalty* annexed, for all that disobey it, though I could rather have *liked* the *book* of Common-prayer, if such and such things had been altered; yet rather then lose my *Living*, and therewith all *legal Opportunity* of serving the Church, rather then shew my self *cross* and disobedient to Authority in *lawful things*, rather then Ruine my self and Family, for a thing indifferent, though in it self I judge it inconvenient; I do *chose* to be obedient and conformable; and in order thereunto, upon these grounds, I *declare* my Assent and Consent *unfeignedly* in every thing to be *conformed unto*.

19. Give me leave to add the *Objections* of others, which you mention not. They say, if it had been said that we must assent to all things prescribed *only*, it might have served my interpretation well enough; but it is all things contained, as well as prescribed, must be consented unto.

20. I answer, First, it is contained and prescribed; Not prescribed and contained; so that prescribed seems to bound contained. 2^d it is contained and prescribed, not, or prescribed; so that
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the Grand Case.

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what is contained, if not also prescribed; we need not give our assent unto it; It must be both contained and prescribed.

21. But, if there yet remain any *doubt*, about the *legal* meaning of these words, the *Ad* it self explains it beyond all dispute: You see in the words before cited, that both the words [*Contained* and *Prescribed*] are referred to the *use* of the things: [*To the use of all things contained and prescribed*] so that the *Objection* is nice and verbal only, and thus vanishes.

22. If you should desire to have your own sence yet more secured; I humbly conceive there would be no offence done to the *law*, if you express your selves after *this manner*. Having read the *Morning* and *Evening Prayer*—according to the *Book* of *Common-Prayer*, at the times thereby appointed, and being required by the *Ad* of *Parliament*, after *such* reading thereof, openly and publicly before the *Congregation* to declare my unfeigned Assent and Consent to the *Use* of all things in the said book contained and prescribed, in these following words and no other; Accordingly, I do declare my unfeigned Assent

E and

and Consent to the Use of all things in the said book contained and prescribed in these words and no other. *I. A. &c.* do here declare, &c.

23. What possible Exception can lie against such a recital of the words of the *Añ* which are set immediately before the Declaration, in order to the making and subscribing of it, while we add no words of our own, nor take any from the *Añ*, or from the Declaration?

24. If it be said you fear that a Declaration will not be accepted, that is thus exclaimed and conditioned,

25. Give me leave to say, I cannot but believe there is no reason to doubt it; or to desire it as a favour from any: seeing you add no words, nor put any sense upon the Declaration; only reciting the words of the *Añ*, requiring and declaring, according as is required, in these words of the Declaration, and none other.

26. However, suppose (that that is not to be supposed) that such a Declaration should be refused, and that without such a kind of explaining your self, you are resolved not to declare or subscribe at all. Yet consider by so doing, though

though not accepted, you are not the worse, or further off from your Living then you were before: and now you may sit down quiet with this reflection; that however you have done your utmost to satisfy the Law, the World, and your own Conscience.

CASE the Second.

Whether it be lawful to Declare in the words of the second Declaration.

1. **Y**OU consent to the distribution I made of the second Declaration into 3 parts: That which concerns the taking Arms against the King, Conformity, and the Oath called the Solemn League and Covenant.

2. The two Cases arising from the first part, taking Arms against the King, you say, do not much concern you: and give me leave to return, that I am not concerned to answer others.

3. To the Case about Conformity, arising from the second part, you add nothing, but seem in haste to get into your strong hold, in the last part of this Declaration, touching the Covenant, and whether I am ready to attend you, and to engage with you.

4. We are therefore fallen upon the main Case, which was the first in order in my last book it is;

CASE VI.

Whether we may lawfully declare in these words, *I do hold there lies no Obligation on me, or any other person, from the Oath commonly called the solemn League and Covenant, to endeavour any change or alteration of Government in the Church or State?*

1. **T**His I affirm, and undertook to prove it by an Argument taken from the matter of the Covenant, as is here specified; not with respect to the Government of the Kingdom, there we are agreed; but with respect to that of the Church, wherein we differ.

2. You also grant my Consequence; that if this part of the matter of the Covenant appear to be *sinful*, the Covenant is so far void of it self.

3. The very Question then is, Whether to *endeavour a change of Church-Government be sinful or not*. I affirm it, and give you my Arguments once again for it; and heartily wish, they may find, in their new attire, better entertainment with you.

4. You

4. You observe, I make my first on-
set by Doctor *Sanderfon's* distinction of
Juramentum illicitum de se, & per accidens. You farther say, I grant that the
matter of the Covenant is not simply
and of it self unlawful; you intimate,
that I hold it only sinful by accident.

5. My dear Brethren, I cannot for-
bear to tell you, that you make too
much haste, & stumble at the threshold;
you fall both upon that Reverend Per-
son and my self with too plain mistakes.

6. The Bishops distinction which
you intend, is not that of *illicitum per
se vel per accidens*; I do not here use
that distinction; I do not grant that the
matter of the Covenant is not simply
and of it self unlawful; much less, that
the matter of the Covenant is sinful *per
accidens* only. The truth is; both the
Bishop and my self, in the very places
your words refer to, do more then once
say quite contrary to what you affirm;
in all which, will you but take the pains
to read over again that Chapter in Do-
ctor *Sanderfon's* Book; and in mine, that
are here concern'd, your own eyes shall
judg betwixt us.

7. The place you intend in Bishop

Sandoz's Book is, 1. Pag. 71, 72. Sect. 9. the Case is, *De re illicita Secundario*, where in, indeed, he is so directly against you, that it is much so many eyes should not observe it.

B. A thing (such he) is unlawful *secundario*, when it is not so in its own nature, or to all persons: *Sed quibusdam tantum pro conditione personarum*, *etiam si prout sunt nichilum aliud quam necessitas, aut in rebus aliquibus genere transgreditur illicitum enim id quod se non ex accidente tantum, hic qui sunt membra alieque communitatis, quicquid legibus illius communitatis repugnat.* His reason there is, because it is forbidden by God, though not *primario*, yet *secundario*; that is, in the command of obedience to our Governours, and consequently the Laws of the Land.

9. Now, that your discourse of this distinction intends this very place of the Bishops Book, you give us a full demonstration in your next words following.

10. You say, you must make bold to mind me, that the Learned Casuist hath determined the Case with an *Ordinarius*; *Hec juramenta ordinariis non obligant*; meaning, such Oaths as are taken to do

a thing that is thus evil, not simply, absolutely, or to all persons; but to us, that by reason of our places are not allowed to do it, they ordinarily do not bind.

11. I acknowledge he subjoyns (though nothing to your advantage) *Ordinarie dico, quia fortasse possum ad id casu in quibus juramentum non videtur alicui legi communitatis aut vocationis adversari, & si non debuerit suscipi, susceptum tamen potest obligari.*

12. You add, That the Advocates of the Covenant think they may bring the Covenant within our Casuist's exception; but upon an unbiassed reading our Casuist's following explication of himself, there is nothing more evident then the contrary; herein also your selves shall be Judges.

13. Yet, first, give me leave to note, our Casuist's Caution is with a *fortassis*; perhaps such a Case may be; he never thought, you know he never said the Case of the Covenant was such; yea, his [*videtur*] adds no strength to the exception, that is, when the Oath seems, but seems to be against the Laws of Community; but that he might leave

no room for the scruple, he hath explained himself in his own *Instance* in a disjunctive penal Law.

14. His Case is this; Let the Law of the City be (saith he) that no man being chosen to the Office of a Pretor shall refuse it: or if he do, he shall find such a sum of Money. Caius swears he will never be Pretor: but after his Oath, he is chosen to that Office. The Question our Casuist puts hereupon is, *Whether Caius be bound to keep his Oath or not:* and answers it thus he ought not to have sworn; but having sworn, he ought to keep his Oath, and pay the Fine.

15. Now, how far this is from the Case of the Covenant, in it self, I need not say; and how far it was so in the judgement of our great casuist, his following Discourse doth sufficiently Demonstrate.

16. I would here (saith he) be understood *Præcisè in quantum adversatur legi Civitatis. Nam respectu finis aut alterius cause, imò respectu ipsius etiam Materie quatenus est impeditiva majoris boni publici, aut aliunde, potest justa subesse ratio que Obligationem tollat.*

17. Now admitting this exception of the

the Rule, it is not possible to apply it to the Covenant; however, if the Covenant could be granted by some thing extraordinary in it to be excepted also, yet you see the Casuist hath provided several other *Topicks* to render it *non-obliging*; from the *end*, or the very matter it self, if it may hinder a greater publick good; *aut aliunde potest jussu subesse ratio que obligationum tollat.* (11 to 13)

18. Give me leave also to remember you, that I made my meaning touching the said distinction plain enough. I did not distinguish, as you assert I did, That the thing sworn might be *illicitum per se vel per accidens*; but I rather distinguished of *illicitum per se* as to the matter of the Covenant, and that was either simply and primarily evil, or secondarily and *quoad nos*; when though it be not sinful in the primary consideration of it, yet to such and such persons it is sinful; that is, forbidden by God, as I did sufficiently explain my self.

19. I did further conclude, that a thing thus sinful, *quoad nos*, as being some way or other prohibited us to meddle with, is *illicitum per se secundario*, and therefore not only so *per accidens*.

sent. These are my words: To them to whom a thing is forbidden it is as it were unlawful in it self, (as the Apple to our first Parents) and as it is unlawful for us it goes into the matter of the Covenant which we take; and by consequence, that which is only unlawful to us, if sworn, doth make that Oath unlawful in it self, that is, in the very matter of it.

20. So that the Consequence being granted, if this be proved, that it is unlawful in either sense, either simply or *quoad nos*, to endeavour the Extirpation of Church-Government, we may bring the difference to an happy conclusion.

21. But I rather chose to argue upon the latter branch, that to alter the Government of the Church is unlawful *quoad nos*; and that because it is against the Rights of the King, the Laws of the Land, the Privileges of Parliament, the Liberty of the Subject, and the former Obligations that lay upon the Nations; all which I am bound to defend.

CASE VII.

Whether any private or single person may lawfully endeavour the Alteration of Church

Church-Government by virtue of the
 Government. Now I shall hold I take
 down. O that which I have said upon
 this Case you only return a
 discovery of three Principles, which
 you affirm I take for granted, though
 they are denied by my Adversaries.

1. That the Long Parliament is dissolved.
2. That the Covenants are only private
 and personal.
3. That each single person is concluded
 by my subsequent Arguments.

These you call *ungranted Principles*;
 but if they may not be *granted*, though
 they are *Principles*, I shall endeavour
 that they may be *proved*, though I
 hope, very few of the people of England
 need satisfaction in such points as these.

SECT. II
 Of the dissolution of the long Parliament.

1. **T**ouching the Dissolution of the
 long Parliament, I could not
 dream, that so ingenuous persons had
 any scruple: I would fain hope that you
 want a Refuge, when I find you in so
 bad a Sanctuary.

2. Yet when I read your words, so
 warily

starkly conditioned in this great particular, I find some small encouragement to think; that though you now stumble at this stone; if every other stone were removed, you would stumble over it. You say it hath been said, you dare not say it, and in obedience to present laws you are *submitively silent*.

3. Are you indeed Obedient? to what? to the present *Laws*? Who made them? the *Parliament*. How comes this to be a *Parliament*, if the *Long Parliament* be not dissolv'd.

4. If the *Long Parliament* be yet in being, the *Present* is none, their *Laws* are none, your *Obedience* is none: if you acknowledge the present *Laws*, you acknowledge the present *Parliament*; and thereby you are over the stone of stumbling before you are aware; for you acknowledge the *Long Parliament* dissolv'd.

5. Now there are but two ungranted principles; for one you have granted upon a better Argument than I had thought of, your own *Obedience* to the present *Laws*.

6. Truly, I took you to be so ingenious before hand, and therefore I presumed

turned to take this for granted, and thought I might do it without offence. For it is not only the ground of Obedience to the present *Law*, but the Foundation of our Peace, our Liberty, our Pardon, our Lives, and indeed of all we are worth in this world; and such a stone, (not of stumbling, but) of the Corner, that it is hardly safe to touch it; though with an intent to fasten it. But, blessed be God, it is fast enough already in our constitution, and I hope not much loosened in your opinions.

7. Yet, if you are in doubt of what disease that great body died: I refer you to Judge *Jenkins* and Mr. *Prin*, who, though in other things they differed too much, agree very well in this great point.

8. Indeed the Name, *Parliament*, which signifies to consult and treat, together with the *Writ* whereby the two Houses are Assembled, are a full Demonstration of its departure or dissolution long ago. They are thereby called to consult and treat with the King: therein it signified that *Rex est habiturus Colloquium & Tractatum cum praelatis, magnatibus, & proceribus*, *Rex in hoc indiget*.

9. Hence

9. Hence Judge Finklin argues, that the Parliament dissolved upon the Kings being forced from them, and put into an incapacity of Treating with them; however at his death they died on course.

10. The King dying, with whom they are to Treat, and for which end they have their being, the end of their assembling, and consequently of their being, is gon with him, and they are no longer a Parliament. A Parliament is a Relative term; the Relate and Correlative die together. Therefore, the King, in our Laws, is *Principium, Caput, & finis Parliamenti*.

11. It may be said, the Act secured them against the Kings death.

12. 'Tis plainly otherwise; indeed, it secured themselves from any violence to be done to that end, by the King himself: there is no such clause in the Act, that they should not be capable of dissolving any other way, much less, in particular, by the Kings death; no security to save the Body when the Head was off.

13. But a Parliament may be dissolved, or dissolve: die, or be kill'd: the Act secured

secured them from being dissolved by the King's power, without their Consent; not against the Law of Mortality, or the dissolving on course at his decease.

14. This is very evident in all *Parliaments*; if the King's favour shall continue a *Parliament* his whole time, that *Parliament* hath all that the long *Parliament* desired or obtained, by the Act specified; yet upon the King's death, such a *Parliament* dissolves, according to the nature of the thing and the constitution of the Nation.

15. Who can be so fond, as to imagine, that it was ever intended, either by the King, or both Houses, (especially if the Reasons be weighed, with which this Act was procured,) that the constitution of the Nation, or the nature of a *Parliament*, should be altered by it; or more, then that the King should not dissolve them by violence; that is, without their own consent.

16. 'Tis as frivolous to mention, that the King never dies in this respect; For it is evident, that as the King is the Head of the *Parliament*, the Relate & Reasons of a particular *Parliament*, so he doth die. For, as was said, a *Parliament* when dissolved

dissolv'd by the King in his life time, dissolves of it self, at his death, and why, but because in this sence the King dies?

17. I never heard such Arguments as these following answered, though indeed we need them not. They are Judge *Jenkin's*. He affirms that the *Act* for the continuance of the long *Parliament* is Repugnant to those for Annual and Triennial *Parliaments*; which being all *Acts* of one Session, are all *Acts* of one day, and repugnant to common Right and common Reason; and impossible by the *Kings* Mortality: and maintains, that when an *Act* of *Parliament* is thus against common Right and Reason, and repugnant and impossible to be performed, the *common Law* shall control, and adjudge such an *Act* to be void, and that these are the words of the Law. 1. *Par. D. Downham's Case*, fol. 115. 8 E. 3. 3. 30. 33. E. *Cessavit*. 32. 37. H. O. *Annuity* 41. 1. Eliz. Dier. 313.

18. I hope, you will not demand who shall judge of such a Case, since all parties have practically resolved this long ago.

19. The *Rump* thought that *Parliament* too long; the whole Nation were offended

at the Runip : The Long-Parliament
men themselves, when they were toge-
ther again, in order to the blessed Re-
stitution of the King, had a desire to
be dissolv'd, and did what they could
themselves to do it : and you know, that
both King, Lords and Commons, have
since made a Law, to which you say
you yield Obedience, that brandeth it
for an high offence, for any to say that
the Long Parliament is not dissolv'd.

20. But my dear brethren, because
you intimate that you are not fully sa-
tisfied in this point; out of my hearty
desire to do you any service, I have ad-
vised with a very learned Sergeant in the
Laws, from whom I received these 3.
Reasons : every one of which, he affirms,
demonstrates that Parliament to be dis-
solv'd ; *in sua arte credend.* &c. and I
hope you will be fully satisfied with
them : they are these.

21. 1. By the death of the King; there be-
ing nothing in the Act of continuance that
doth or can secure them against that.

2. Because every Court in England
dissolyes on course, if it rises without
adjourning, or doth not meet again,
at the time and place appointed.

F

3. Be-

3. Because, when a *Parliament Re-creates*, and the Electors chuse new *Representatives*, the first are dissolv'd thereby, I need not *apply* these *Rules*, onely, if you yet doubt the force of them, and desire, as I know you will do, more full satisfaction, you will certainly without my advice confer with some able lawyer, whom you may safer in your own apprehensions confide in. In such a case we must take things upon *trust*, and if we will be satisfied, we must trust *some body*, choose your Friend.

SECT. 2.

Of the *Reality* and *Nationality* of the *Covenant*.

1. **I**N the second place, you intimate that I take it for granted, that the *Covenant* was personal, and not Real or National. But *Master Crofton* hath affirmed it is real and National, *Obliging all the Nation, and all after Generations, sive Anglorum, thereby engaged*. This, you say, he hath enforced beyond all capacity of *Contradiction*.

2. Truly, I confess, I did not imagine (however confident I find you to the contrary) that such a principle had needed

needed proof, with *such* as I proposed to deal with : but I see the *Formalists* are yet out of Course.

3. Much less, could I divine, that whether the *Covenant* be personal or real, it could any way concern me in my present Design to double myself, seeing it was my work only to prove that the matter of the *Covenant* was sinful ; and then, whether it be a real or a personal *Covenant*, I think it comes all to one, *viz.* A *sinful Covenant*, and not *Obliging*.

4. Besides, upon your second Survey, you will easily discern, that I distinguished single and private persons, from the *Parliament*, and not from the *Nation* ; and considered both Members of my distinction ; as taking the *Covenant* ; And did not find my self obliged to say, that *some* were bound by the *Covenant*, and *some* not : but rather, that none at all were so far bound by virtue of it, as to endeavour any alteration or change of *Government* : so that your exception here, if it have any weight, it is impertinent and ill placed.

5. But seeing I must be assaulted with *Mr. Oulton's* authority, give me leave to

oppose it, with Authority as valid, I hope, without any disparagement to him, in your own apprehensions: it is that Reverend Casuist Bishop Sanderſon.

6. Bishop Sanderſon aſſerts, that it is eſſential to an Oath to be perſonal; and conſequently, that there is no ſuch thing as *Juramentum reale*, ſuch a Real Oath as you have pretended.

7. *Non tam ſanctum (inquit ille vir Magnus) tenetur Heres vi Juramenti defuncti præſtitum. Ita ut ſi non ſolveris, injuſtus tantum ſis, non item perjurus: cujus ratio eſt, quia Juramentum eſt vinculum perſonale, & inducit Obligationem Spiritualem tantum, &c. At in perſonalibus nemo ligatur ſine proprio conſenſu.* p. 115.

8. Again, he adds, *At non poteſt quis alteri inducere Obligationem niſi ipſa quoque voluerit, & proinde non poteſt Actus ſuo ſpiritualiter niſi ſeipſum tantum Obligatio Juramenti non tranſit ad ſucceſſores,* p. 117. 118. nothing can be more plain.

9. Therefore, I muſt have leave to demand, what Casuiſt, Author of Note, or Learned Man uninterreſted in the preſent Controverſie hath uſed or allowed this diſtinction, beſides Maſter Croſtan.

Thus

Thus his *authority* is *matcht*, what reasons you hint for it, I proceed to give reason to Answer.

10. You add no reasons in *this* place, yet because I shall make but one work of it, I shall gather the reasons that serve to this purpose from the other parts of your *book* where I find them; they are but two, to the best of my Observation, both received from Master *Crofton*: and I presume the best he *bath*, for that you improve no other.

11. The first I find upon Case the 14. by way of Expostulation, thus. Was the law of *Saul*, the Princes of *Israel*, against the *Gibeonites*, to be justified? Why should they and all other Conventions of them be bound by the Oath of *Joshua*, and the Princes with him?

12. The answer is at hand, in the Reverend Bishops words: *Saul, Injustus tantum sit, non item perjurus. Pauls* sin was cruelty and injustice, and not perjury. Not the Oath of *Joshua*, immediately, but the Law of Righteousness bound *Saul* to the contrary.

13. If any Obligation lay upon *Saul* from *Joshua's* Oath, it was not formaliter, but effective only; not as an Oath,

but in the effects of it: which was to preserve and maintain Justice and every mans right; even that right of the Gibeonites which they had obtained, by vertue indeed of their Covenant with *Joshua* long before.

14. Methinks, it may thus be resembled; a *Parliament* in *England* is not obliged, to continue all the *Acts* of precedent *Parliaments*, but hath power to alter them as they think fit; yet no *Parliament* can void an *Act* of pardon made by any former *Parliament*.

15. The Reason is, not that one *Parliament* hath not power to undo what another hath done abstractly considered; but because a *Parliament* it self may not be unrighteous and do injustice.

16. But, why is it injustice from a *Parliament* to void an *Act* of pardon? the Reason seems to be this: An *Act* of pardon hath its effect the first day of its being, and gives actual Right to every one concerned in the mercy granted; they are actually pardoned, and the offence forgiven and done away. And now, If this pardon should be taken off again, Right is violated and punishment in-

inflicted where there is no Crime.

17. Thus was it in the Case of the *Gibeonites*; they had received an *Act* of pardon long before, a Legal restitution to the priviledges they enjoy'd by virtue of the *Oath* of *Joshua*, and the *Princes* of *Israel*: and the violation of their *Rights* so long after, with the taking away of their lives, by *Saul*, was Iniquity and cruelty in him, and most justly, though severely, punished by the *God* of Righteousness.

18. This Answer is plainly gathered from the *Holy Scripture*, whence the *Objection* it self is framed,

19. The *Famine* (saith the *Lord* to *David*) is for *Saul*, and for his bloody house, because he slew the *Gibeonites*, 2 Sam. 21. 11.

20. It is rendred, in several of the *Oriental Tongues*, *House of blood*, and so it is in the *Hebrew*: it was not perjury but blood fill'd his house, because he slew the *Gibeonites*, and broke the *Act* of Pardon, not the *Oath* of *Joshua* formally considered.

21. It is said, that the children of *Israel* had sworn to them, v. 2. but not *Saul*: yea the children of *Israel* in opposition

to *Saul*: the children of *Israel* had sworn unto them, and *Saul* sought to slay them in zeal to the children of *Israel*. Therefore, in the *Septuagint*, we read *ἀδικία ἐν δαυὶδ ἀπὸ τῶν αἰσῶν αὐτοῦ*, upon *Saul*, and upon his house; *Injustitia in morte sanguinum ejus pro eo. quod morti tradidit Gibeonitas*, for that he delivered the *Gibeonites* to death: *Injustice*, it is not said *Perjury*, but *injustice*, and blood is laid upon him and his house, and so severely punished.

P. 45.

22. Secondly, the *Covenant* was sworn (say you, in *Mr. Crostons* words) by those *Real capacities*, *Noble Men*, *Knights*, *Gentlemen*, *Citizens*, *Ministers of the Gospel*, and *Commons of all sorts*, which pass and will pass to our *Successors*, whilst *England* is *England*; and therefore it is *Juramentum reale*, and obligeth the whole *Nation* for ever.

23. But it is to be remembred, before we conclude so confidently, that though the *Proem* runs thus, *We Noblemen, Barons, Knights, Gentlemen, Citizens, Burgeses, and Ministers of the Gospel, as well as Commons of all sorts, have so Resolved and Determined*; yet most *Noblemen, Barons, Knights, Citizens, Burgeses, Ministers,*

ters, and Commons of all sorts, had not thus Resolved and Determined when the Covenant was penn'd or publish'd.

24. For it was brought from Scotland, and by a few men, at first, a little altered in England, and then, by an Order of some of the Commons, printed and published.

25. Now, if this be to make a Real and National Covenant, three or four private persons may as easily write over these great words, and as easily oblige the whole Nation and Posterity for ever; but this is ridiculous.

26. Again, 'tis certain that many individual Persons, from the King, the Nobles, Barons, Knights, Burgeses, Citizens, Ministers, and Commons of all sorts, never took the Covenant, but ever, as occasion was offered, declared their abhorrency of it.

27. Yea, the Popish, the Malignant, and the Prelatical Parties, which certainly were then no mean part of the Nation, if not the greatest, are supposed in the Covenant it self to be enemies to it, and are, indeed, sworn against it. And are these obliged by the same Covenant, and their Posterities after them?

Are

Are they sworn to oppose and destroy themselves? You will not say it.

28. Again, if these words can create a *Real Covenant* in your sence, not only Scotland, who framed it, and England, who knew not of it for the most part till it was taken, but Ireland too, and its Posterity, are obliged by it; and all the Rebels there are taken into Confederation, and thousands of people there, that never saw it, or perhaps never heard so much as that there was any such thing in the world for divers years after this their pretended Obligation by it.

29. Truly I thought the Covenanting Party would not have entred into so Solemn a League with a *Prelatical, Malignant* Party, much less with *Papists*, and *Irish Rebels*; yet such is the consequence of your Notion of a *Real Covenant*.

30. Moreover, this Argument is confuted in the very *Pream* of the *Covenant* it self, so plainly and evidently, that I must needs wonder that so many quick and perceiving eyes should not have discovered it: Wherein it saith (speaking of the form and manner of giving and taking the *Covenant*) wherein we all
sub-

subscribe, (therefore, no more do take the Covenant then do subscribe it) and beyond all contradiction adds, [*and each one of us for himself*] then no one for another, much less for so many thousands as your *Real Nation* would infer.

31. Therefore the pressers of the Covenant must not trust your Logick, but would have not only Parents, but their Children; not only Masters, but Servants; not only Tutors, but Pupils, and such as were under the tuition of others, to subscribe for themselves, according to the phrase, *Every one for himself*.

32. But, to conclude, if it be against the very Nature and Essence of an Oath to be any more then *personal*, to binde *succession* or *posterity*, or to be *National* and *Real*, as you pretend; alas! what can words do more then to make a noise, to trouble mens minds, and to beget trouble in the Church by needless Disputation? But that it is so, I hope our Casuist (whom your selves and all men else admire) hath put it out of doubt, to your full satisfaction.

SECT.

SECT. 3.

Of the capacity of all Covenanters.

1. **T**He third Principle which you intimate I take for granted, is, *That all Persons that took the Covenant are in the same capacity with our selves.* You say, you cannot yield unto it.

2. I have laboured to find out your meaning, and cannot discover any thing, but the exception of the *single person*, that you can stand upon.

3. But if you please to review what I said from *pag. 93. to pag. 97.* you will see your oversight, and grant that I did not take it for granted.

4. And until you give Answer to the reason there offered, as also in some other places of my Book, I think I am not at all concerned to trouble you further about it, but shall now take up my *shield*, and appear in defence of my particular Arguments.

CASE VIII.

Whether to endeavour to alter the Government of the Church be against the Right of the King.

CASE.

CASE IX.

*Whether to violate the Kings Right be not
sinful.*

1. **Y**OU well observe, that these two Cases contain my first Argument, to prove the matter of the Covenant sinful. My major Proposition, you say, is determined in the second of these Cases: This you grant, in Mr. Crofton's words. *The proper and adequate Act of Justice is Jus suum cuique; the Authority, Power, and Liberty of King, Parliament, and People.*

2. The minor then contained in the first of these Cases is the thing in Controversie, viz. whether the Covenant engaging against the Government of the Church, or to endeavour to extirpate the same, do not violate the Kings Right.

3. This I affirm; for by such Endeavours the King is injured, first, as he is the Executor of the Law, and in all Causes and over all Persons Ecclesiastical, Supreme Governour, both with respect to his Officers and to his Government; secondly, as Legislator.

SECT. I.

SECT. II.

Of the Kings Right as Supreme Executor
of the Laws.

1. I Do still affirm, That the King is the Supreme Executor of the Law, and all Inferiour Officers are his Commissioners, to execute that Government under him, in which he is alone the Supreme Governour, as we swear him to be in Church and State; for, *Reges sacro et civilium capaces spiritualis Jurisdictionis.*

2. Now, I say, take away the Body of Governours, and the Head must fall; and if all inferiours be removed, where will the Supreme be?

3. For Answer herunto you only desire my clear Answer to two Enquiries. The first of your Queries is in these words:

4. Are Ecclesiastical Officers essential to the Regality of the King?

5. To this I return my clear Answer; No. Yet they are plainly essential to his being a Supreme Governour in all Causes and over all Persons Ecclesiastical.

6. Supreme doth necessarily suppose and respect Inferiours; and Supreme Governour

vernour Inferiour Governours.

7. Your second Query is this: Are these specifical Commissioners essential to the Kings Regality; that Archbishops, Bishops, &c. taken away the head must needs fall?

8. To this, I hope I may clearly Answer, that the removing of the inferior Governours hath a Natural tendency to the falling of the Head, as such, that is the Head of them; or the Supreme; but hath no natural inclination to the substitution of other kind of Governours.

9. There is nothing in the pulling down of the walls that goeth into the supports of the roof; nothing in pulling down Arch-bishops and Bishops, &c. that serves to uphold the Supremacy of the King in governing the Church, but to destroy it, as the many years experience past doth sadly demonstrate.

SECT. 2.

Of the Kings Right in the Government of the Church.

1. **T**HE second Maxim I use to prove, that endeavours to extirpate Episcopal Government you observe to be this, that that endeavour is not only

only against the Kings Right as Executor of the Laws, by opposing and seeking to destroy his Commissioners, but his very government it self; and this is the expresse sence of the *Covenanters*, that according to the *Covenant* they are bound in the whole course of their lives against that Government which they know is the *Kings Ecclesiastical Government*.

2. *This* you grant: only you say the *Covenanters* do not mean such endeavours as I mention: Again, you plead that some others *deny* the Government of the Church to be the *Kings Government*, because they find it not established by the *Laws of the Land*, whereof it is his Right to be *Executor*, and this is all you say; only touching these things here, you refer their discussion to their proper places; where I intend, God willing, to meet them again.

SECT. 3.

Of the Kings Right as Legislator.

1. **A** Gain, you note that I argue, to endeavour the alteration of *Church Government* is against the *Kings Right as Legislator*, as the maker, as well

well as the *Executor* of the *law*, as appears by that fence of the *Covenant* which the practice of the *Covenanters* hath put upon it.

2. To this you answer, that the *terms* do so condition it, that it doth not appear to engage us to endeavour the extirpation of *Episcopacy* without the *Kings* Consent.

3. Here, I must have leave to remember you, that though it be true the terms of the *Covenant* which you specify are soft and mild, viz. through the *grace* of *God*, in our places and callings; yet there are other expressions visible in it, that do more then seem to exact such proceedings as were very inconsistent with our places and callings, or the *grace* of *God*, viz. to our power, and with our lives and fortunes.

4. What need was there then of our power, or lives and fortunes, to be exposed in such endeavours, but in opposing the *King*, and his *Army*? and how could that possibly be done in the present matter of endeavour to extirpate *Prelacy*, but by Acting therein without the *Kings* consent, and against his express mind to the contrary.

so that take a true measure of the *Covenant* by all such terms together, as in fair reasoning we must needs do; and it is too too evident that it puts us on endeavours that have no regard to the Kings consent at all.

3. Besides, if the true extent of *endeavour* covenanted be yet in doubt, you would force me to resolve it by that black *Comment* of the state of things when the *Covenant* was press'd at first: from the occasion of it, which, as the King sadly observ'd, was that fatal confederacy with the Scots, for their invading this Kingdome with Arms. The obvious and declared judgement of the Scots, that created it, touching the place and power of publick conventions and private persons in such matters. The sudden course which the two Houses took to demolish this Government, (and that by virtue of the *Covenant*;) and to bring in another.

4. These things I say, soberly considered and pondered upon, methinks should rationally, and satisfactorily Evince to such sober persons as I am Treating with, that endeavour in the sense of the *Covenant* it self, and the prime *Governments*, doth

doth intrench foully upon the Kings Free
regaine and Crown; Notwithstanding
those other small, faint, and after endea-
vours with the King to ratifie what they
had laboured with all their power, in a
way of Hostility so long together, to do
without him, and against his most signal
express dissent, so often reiterated.

9. Which little endeavours to procure
his consent, I imagine, you would hardly
have mentioned, had you had in your
mind, that at the same time the King
was at least quasi a prisoner, and was de-
nied by the same persons that treated
him the liberty to repair to the place
where, according to the Order of the
Kingdom, he useth to add his fiat to the
making of Laws: I mean the Parliaments
House.

10. Further, I am loth to remember
that even then, when the King (at the Ile
of Wight) and his two Houses were
necessitated to an accommodation; the force
of such endeavours as the Governors ex-
acted provoked them to reply to his
Majesties papers, that they were not sa-
tisfied as to an agreement with, and
reception of his Majesty; because he
would only grant them a suspension of

Episcopal-Government for 3. yeers, and not an eternal extirpation of it, for which they had covenanted: vid. *Biblia* *in Reg. p. 153.*

9. But to return to the Covenant itself, the close of it doth effectually conclude, that in its prime and native intention, it least of all regarded the *Consent of the King*; and as to any such thing, it was utterly desperate.

10. The words are these: *We shall all the dayes of our lives zealously and constantly continue therein against all opposition, and promote the same according to our power against all lets and impediments to his service; and what we are not able our selves to suppress or overcome, we shall reveal and make known, that it may be timely prevented or removed.*

11. Now I beseech you to consider, there is a promise to continue in this cause, which refers, no doubt, to the whole or the main point of the Covenant. Now as the Author of the Covenanters pleases to observe, the main scope of the Covenant is against *Church-Government*, to which all other things seem subordinate. Therefore, this same last Article repeats the head of this common cause, and be-

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gins it with Religion; that is the Reformation of Doctrine, Worship and Discipline, and the extirpation of Episcopal Government. The words are this common Cause of Religion, Liberty, and peace of the Kingdomes.

12. Now, in this Cause, observe, They swear to continue zealously and constantly all the dayes of their lives; and what is the plain sence of that, the King being known to be then in the fields, and in arms against the Covenanters; I say, what can the plain sence be; but that they would continue therein, though the King himself should forbid. Though the King should deny his Assent, and declare his most express Dissent and threats against it, yet they would persist therein all the dayes of their lives.

13. Yea, though King and Parliament (as is now come to pass) should make Laws against it, they must be zealous and constant in this common Cause; so little regard will the Covenant allow, to this day, to the Kings Consent.

14. Yet heed what follows; against all Opposition, and promote the same against all lets and impediments whatsoever; give me leave to say, though this Opposition,

these lets and impediments be from the King himself, as you know they were at this very same time: This being imposed by the *two Houses*, and taken by the people; and the King himself in *Arms* to defend his *own* and the *Churches* Government.

15. Pray resolve, where *then* was the King's Consent, or, if the King please, to be understood in the *Covenant*.

16. Moreover, doth not *this Article*, which is the close and perfection of the rest, plainly engage to such endeavours as carry opposition too? Be your selves the judges: the words are, against *all opposition*; how can you be engaged to endeavour against *all opposition*, but by *opposition*? against *all opposition*, but by opposing *all oppositions*? even that which the King himself *should* make, or rather, indeed, *did* make.

17. Now, how you can oppose the King, or the opposition made by him and his commission, and yet understand his consent in the same matter, I think you will not go about to inform me.

18. Once more, that the endeavours of the *Covenant* carry force and opposition in them, according to the *Grammatical*

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cal Construction and Logical resolution of the same, appears in that [Power] is engaged to our Power: and Power in order to the suppressing and overcoming the opposers: for it is added, and what we are not able our selves to suppress, &c. by our own power: and on the other hand, we shall assist and Defend all those that enter into this League and Covenant in the maintaining and pursuing thereof.

19. Which expressions (I should abhor to infer it, did not my Argument force it) do beyond all capacity of Contradiction engage the Covenanters in a party to live and dy together in an hostile way of Opposition against the King, and his Armies and Friends, in a pursuit of the ends of the Covenant.

20. Which cannot consist with the places of Subjects, or lawful endeavours; or Possibly suppose the Kings consent.

21. I cannot rejoyce to conclude, that this meaning of the Covenant was expressed at first, by the prime inventors and contrivers of the Covenant; such words as these you find in a Declaration, called the Declaration of the convention of Estates of the Kingdom of Scotland.

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22. To

22. To our knowledge, say they, upon swearing and subscribing of this *League and Covenant*, the opposite *Malignant* party will rage and Tumultuate more then ever : and therefore, unless we will either betray our *Religion*, *Liberties* and *Law*, and all that we and ours do possess, and suffer our selves to be cut off and massacred by the bloody and barbarous cruelty of those our enraged enemies ; *There is a necessity of taking Arms for mutual defence.*

23. Lastly, That the *Kings Consent* was little intended or understood in the *Covenant*, is yet more manifest, if it be considered, that it was not only made, and published, and pressed, without notice given him, and at such a time too, and condition of affairs, as had served the *King* from the *Covenanting* party, but it was still carried on against the *Kings* dislike, and express dissent and prohibition of it, in a timely and solemn *Proclamation* against it.

SECT. 4.

the Grand Case.

SECT. 4.

Of the Kings Proclamation against the Covenant.

1. **T**HE King was pleased, upon the first hearing of the Covenant, published in Print by the Order of the Commons, (which I conceive was sometime before the Order of the Lords and Commons for the tendering and taking of it,) to issue out his Proclamation from his Court at Oxford, entituled, His Majesties Proclamation, forbidding the tendering and taking of the Covenant, called the solemn League and Covenant for Reformation.

2. The Use of this Proclamation in the present controversie, is two-fold. First, it Demonstrates beyond all contradiction, that the intention of the Covenanters did not regard the consent of the King, which runs clearly against the Kings Supremacy. Secondly, It renders the Covenant void, even from its creation, before ever it was ordered to be taken. For *Datur irritatio Juramenti aliquando per superiores, si in illa ipsa materia sint superiores circa quam Juramentum versatur.*

3. Now

3. Now so far as the Government of the Church cannot be altered but by Law, it is under the power of the King, at least not to alter it: He having a Negative upon both Houses, and the Kings Proclamation having denied his Assent thereto, and proclaimed his prohibition of it, thereby voided it long ago, according to the Rule.

4. A Rule never disputed, grounded evidently upon Scripture and Natural Reason; and indeed I find not, that your selves do question the Proposition; though I confess you put me to a task that I little expected, by doubting the Assumption.

5. You say, It remaineth upon you a doubt, whether there ever were any such Proclamation; you desire me to help you to a Copy of this Proclamation, and inform you, where to find the Original: Concluding, that the Obligation, without it, cannot be voided.

6. I hope you do hereby intimate, that upon the sight of this Proclamation you will be satisfied, that the Obligation of the Covenant was voided at the first; therefore I am much encouraged to transcribe it, and to inform you where you may find it.

7. It

7. It is indeed in Print, in more books than one, of unquestionable credit; particularly, you have it in a Book called, *Bibliotheca Regia in terminis*, thus, p. 332.

8. Wherein there is a Printed paper, entitled, A solemn League and Covenant for Reformation and defence of Religion, the Honour and happiness of the King, and the Peace and safety of the Kingdoms of England, Scotland, and Ireland: Pretended to be ordered by the Commons in Parliament, on the 21. day of September last, to be Printed and published: which Covenant, though it seems to make specious pretences of Piety and Religion, is in Truth nothing else but a Traiterous and Seditious Combination against us, and the established Religion and Laws of this Kingdom, in pursuance of a Traiterous design and endeavours to bring in Forreign forces to invade this Kingdom: We do therefore straitly charge and command all our loving Subjects, of what degree or quality soever, upon their Allegiance, that they presume not to take the said Seditious and Traiterous Covenant. And we do likewise hereby forbid and inhibit all our Subjects to impose, administer or tender the said Covenant, as they and every

every of them will answer the contrary to their utmost and extreamest perils. Given at our Court at Oxon, Oct. 9. in the 19. year of our Reign.

9. If you will cast the Controverſie upon the ſight of the very *Original*, I do not deſpair to effect it for you: provided I may know *whom* I may pleaſure with it, and where; for it is not poſſible I ſhould print the *Original*.

10. However, I ſhall offer you ſuch Evidence, that this is a *true copy*; that I verily believe ingenuous perſons will receive it as next to *demonſtration*.

11. Note firſt, that the Covenant was ordered to be printed by the Commons, Sep. 21. *An.Dom.* 1643. This Proclamation is ſaid to be iſſued, Oct. 9. 1643. and I have a *learned book* by me, called the *Anticonfederacy*, that was printed the very next year, viz. 1644. that labours to invalidate the ſaid Covenant with the ſaid Proclamation.

12. He does not indeed tranſcribe the whole Proclamation, as I have done; yet ſo much of it, and of the moſt material paſſages of it, as you cannot chuſe but know it to be the ſame; and to ſay, that he ſhould feign ſuch parts of a
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Proclamation, at such a time as that; or that the King should not be as quick to proclaim against the Covenant, as he had been a little before against the Assembly of Divines, June 22. 1663. are both unreasonable and ridiculous to any sober man.

13. The words of that book mentioned are these; *The true scope and aim of this League* (speaking of the Covenant) *as it is declared by our most gracious King, (and we cannot receive it from a better hand,) is in pursuance of a Traiterous design and endeavour to bring in Foreign Forces to invade this Kingdome; and is therefore by his Majesty justly sentenced, notwithstanding its specious expressions of Piety and Religion, to be nothing else in Truth but a Traiterous and seditious Combination against him, and against the established Religion and Laws of this Kingdome, which are the very words of the Proclamation it self.*

14. I hope you will now no longer doubt, whether there were indeed any such Proclamation, or whether it be of force to void the Covenant.

15. You say, you allow that Rule of Ames; *datur irritatio aliquando per superiores:*

peniores: but you note it must be, *si in illa ipsa materia sint superiores et res quarum est status Imperium*.

16. But let me recommend it to your second thoughts, whether endeavour simply considered, or endeavour with its object, extirpation of Prelacy, be the matter of the Covenant, and whether the King in this very matter of extirpation of Prelacy, or endeavours to do so, be not allowed to be our Superiour.

17. Admit, there were a Covenant taken by private persons, to Endeavour to bring in foreign forces; endeavour indeed is to every man, *sui juris*; but that this endeavour, and consequently, such a Covenant, is not in a matter subordinate to the King, I think you will not dispute.

18. Lastly, you seem to wonder that I make it a Probleme, whether supposing the Proclamation had voided the Covenant at first, the Kings after-consent could revive it.

19. If you understand my words, with respect to the first engagement actually made and voided by the Proclamation; I think you need not much wonder if I should have affirmed, whereas I only queried

questioned, Whether the same Act, made void could be made in force again? I am not afraid to write over the words once more: I think it may well be a Problem, Whether the Kings after consent could revive it, if it had indeed been dead and buried so many years before Parliament so. For the Covenant being voided by the Kings protest against it, and the Parliament dissolved that promoted it, I think you would wonder more at it if I should affirm, That the King hath power, without a Bill to that purpose from the two Houses, by His own single Act to revive a matter of so high a nature to His Subjects, so long time after.

CASE X.

Whether the Covenant to endeavour the Extirpation of Episcopacy be against the Laws, and consequently sinful.

1. I Proceed to argue, That seeing the standing Laws of the Land are the express and fix'd consent of the King and Supream Authority, and this extirpation of Prelacy cannot be effected but by offering violence to the Laws of the Land, which cannot be lawfully done with-

without the Consent and Aſſent of the King and ſupream Authority; it is *ſinful* to ſwear to endeavour it, without ſubmiſſion to their will and pleaſures.

2. This is evident by the former Arguments, by the rules of all *Caſuiſts*, and particularly of Mr. Perkins, who concludes, *That a Covenant taken againſt the Laws of the Land is void of it ſelf*.

3. To apply this Argument to our Caſe, I obſerve, The great Objection of Mr. Croſton, the *Covenanters* Plea, and you, my *Surveyors*, is this, *That Epiſcopal Government is not eſtabliſhed by Law in England.*

4. This Objection I labour, *fiſt*, to avoid by a *diſtinction in general*; and then I argue the point particularly, *That this Government is eſtabliſhed by Law in England.*

5. My *diſtinction* is this: We may endeavour againſt the *Laws*, and ſwear accordingly, two ways; either when the thing we ſwear againſt is expreſly eſtabliſhed by plain *Law*, or when the thing we ſwear againſt cannot be aboliſhed without the *abolition* or *alteration* of *Law*. Hence I argue, That admit there were no expreſs *Law* appointing this

this Form of Government sworn against, yet how doth this clear the *Covenanters* from swearing against Law, when they swear to extirpate that Government which cannot be extirpated without the alteration of many Laws. So that this evasion, I think, is perfectly obstructed.

6. All that you answer is levelled against this distinction; you ask, *Is it against Law to endeavour the alteration, yet the abrogation of some Laws and things thereby established?*

7. Now I beseech you consider, whether you have any thing at all in these words to enervate or avoid my distinction, or to render it poor as well as plain, as you seem to glory; notwithstanding your confidence, your ingenuity shall judge betwixt us.

8. Consider therefore the end for which I proposed it, and you will confess you have not evaded it; was it not in express terms to obstruct the Objection of Mr. *Crofton*, and the Author of the *Covenanters Plea*, viz. *That Episcopal Government is not established by Law*; to which I said, *That it is all one whether it be established by express Law, or cannot be*
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abolished without the alteration of Law: Now to this use of my distinction you have yet answered nothing at all.

9. Besides, in your *Querie*, *Whether it be against Law to endeavour to abrogate Law?* Unless you discover a *double meaning in acting against Law*, you contradict yourselves; and if you do discover it, you also discover a plain way for me to escape your Answer, and to defend and justify my plain distinction.

10. Surely to endeavour the abolition or destruction of *Law*, is to endeavour *against Law*. Now if you affirm, That it is not against *Law* thus to endeavour, what remains, but that this term [*against Law*] in one Proposition hath not the same sense with [*against Law*] in the other; and there are four terms in the Argument, and nothing concluded, as yet, against my plain distinction.

11. Give me leave to be plain, and the sum is this; It is not *against Law*, that is, it is not *unlawful* to endeavour *against Law*; therefore, to endeavour *against Law* is not to endeavour against *Law*; and then my distinction of endeavouring against that which is established by

by Law, or against that which cannot be abolished without the alteration or abolition of Law, is a poor distinction. But you call me off to prove, That such an endeavour to extirpate Church-Government as was Covenanted, was against the Law, both antecedent to the Covenant, and subsequent; this done, you say, would much avail; but you expect my evidence.

CASE XI.

Whether the present Church-Government was established by Law before the Covenant was taken?

THe sum of what I said upon the Resolution of this Case is reducible to three heads.

SECT. I.

Church-Government is fixed by Law.

I. First, there is no need that we prove the Government to be established by Law in such a manner as the Covenanters seek for, while we find it beyond all controversy; that this Form is legal, and established in the Laws, though no express Statute should be found ap-

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pointing it; and it is so much allowed, so far fixed and established by the Laws, that he that shall any way engage against it doth so far engage against known Law.

2. Now until this be questioned, to what end do we trouble our selves any further? All that is more then this is *ex abundanti*, and hath no necessary place left in the *Argument*.

3. Yet of this, whereon the very hinge of the Controversie turns, you have spared the pains to take any notice at all.

SECT. 2.

The Original of Prelacy is not to be sought in Law.

IN the second place I intimated, that it seems to me unreasonable to expect such proof, That the Government of the Church should be established by Law in such a manner as you seek for, That it should have its Original Establishment in Law.

2. For before, and at the first making of Christian Laws in this Kingdom, this Government was found existing; and to have first destroyed this Government, and then again to have established the same by

by Law, would have been plainly ridiculous; which yet must have been done, in order to such an establishment as you require proof of.

3. It is acknowledged by Mr. Fox, that in Elmsberg's his time *An. Dom. 1180.* when this Realm was first converted to Christianity, there were appointed in the same three Archbishops and twenty eight Bishops; and since that time the Government of the Church by Archbishops, Bishops, &c. hath been further established by *Magna Charta*; which hath been confirmed above 30 times by Parliament; and by the Statute called *Confirmatio Chartarum*, still in force, it was ordained, that all Laws contrary to that Charter should be void; and that Bishops, twice every year, should excommunicate all that did, either do or advise contrary to it.

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Tom. 1.
pag. 148.

4. The Government of the Church was at first founded in Prebacy; therefore so far as we are a Christian Nation, and governed by Christian Laws, Episcopal Government goes into our foundation.

5. I mean only it is so of the foundation, as to be from and in the beginning of Church Government and Christian

Laws among us: I do not say, so of the *foundation* as to be *unalterable*, yet others do; however, it is not yet *actually* altered, and that is as much as the *Argument* requires, and to warrant that expression which I thought *augmentative*, though you pass it by *unnoted*, viz. that there is the *less* reason to expect that the *Power, Office, or Government* of *Bishops* should have their *origin* from the *Laws* of the Land, or that *the Child* should beget the *Father*.

SECT. 3.

Church-Government is established by Law.

1. **T**Hirdly, I laboured to prove, that so far as a *Government*, that was *pre-existing* before the *Laws* concerning it, could be reasonably expected to be *established by Law*, the *present Church-Government* is *established by Law*; For,

2. First, the *Laws* of this Land, since they were *Christian*, have ever allowed it and taken it for granted (as having its foundation sufficiently laid before) upon all occasions; not only by those *special Laws* that particularly relate unto it, but indeed in *every Law* which

which expresseth the Consent of the Lords Spiritual.

3. Here you only catch at the weakest part about the Consent of the Lords Spiritual to the Acts of Parliament, leaving the strength of the Argument grounded in those many special Laws which relate to this Government, and apparently allow and continue it, without any exception or observation.

4. Yet I am not at all satisfied that the allowance and recording of their Consent to every Law, by the King, Peers, and Commons, is not a plain acknowledgement of Episcopal Power and Government.

5. Secondly, I affirm, That the present Government is established by Law, though not in its Office which was before the Law, yet in its Political Power, and the Exercise of it, in this Kingdom.

6. Therefore the several Legal Names of Prelatical Governours, with their distinct Jurisdictions, and the Crimes punishable by them, and the Authority allowed so to punish, and the Fees of their Courts, and the Form and Manner of Consecrating Bishops are found and founded in the Laws of the Land.

7. In your Recital of this Argument you only mention the Exercise of this Government, and take no notice of its Political Power given by Law; and therefore your Answer is short.

8. But that this Political Power of Ecclesiastical Governours is settled and authorized by the Laws of the Land is most evident in that of the 24 Hen. 8. c. 12, & Elix. An. 1.2.

9. By 24 Hen. 8. c. 12. Jurisdiction touching Matrimony, Wills, Tiibes, Oblations, &c. is exprelly given them; and it is added, that all such Spiritual Causes shall be from henceforth heard, examined, discuss'd, and cleerly, finally and definitively adjudged and determined within the Kings Jurisdiction and Authority, and not elsewhere, in such Courts Spiritual and Temporal of the same as the natures of the Causes shall require.

10. Note, That if the Temporal Courtes have any Authority given them by this Statute, so also have the Spiritual; they are joyned together; such Courts Spiritual and Temporal.

11. The point of Appeals is also established by the said Statute; and Bishops are

are expressly authorized to receive Appeals from Arch-Deacons Courts; and the Arch-Bishops from the Bishops, with Authority hereby given them, or established in them, to put a final end to all such Controversies. You may read the Statute at large.

12. Yet, I conceive, that of Elis. 1. c. 2. is more precise to our purpose, Where it is Ordained and Enacted, that all and singular Archbishops and Bishops, and every of their Chancellours, Commissaries, Archdeacons, and other Ordinaries, having any peculiar Ecclesiastical Jurisdiction, shall have full Power and Authority by Virtue of this Act, as well to inquire in their Visitations, Synods and elsewhere, to take Accusations and Informations of all and every the things above mentioned within the Limits of their Jurisdiction; and to punish the same by Admonition, Excommunication, Sequestration, or Deprivation, and other Censures and Process, in like Form as heretofore hath been used in like Cases by the Queens Ecclesiastical Laws.

13. Here, we cannot but see, not only the legal Names of Ecclesiastical Gover-

vernours, mentioned; but their political Power and Authority allowed, yea, formally invested and establish'd in them to inquire, and to punish. To *punish* with Admonition, Excommunication, Sequestration and Deprivation, and all this by *Virtue* of this *Act*.

14. Had we nothing more to prove Episcopal Government to be established by law, but this very Statute, I cannot apprehend but that the work is done, and all Objections to the contrary for ever superseded.

15. Is here only a liberty to exercise a power *given them*? is it not express, that *Power and Authority* is also *given them*? 'Tis not declared, that they have *Power and Authority* by *Virtue* of *their Office*, or any other way; but it is *enacted* that they have *Power and Authority* to inquire and punish, &c. by *Virtue* of *this* very *Act*.

16. Yea, though it is intimated, that the *same* Course had been used formerly; it is not *enacted* only, that this shall *continue*; but as if *such* a kind of *Objection* had been in prospect; it is *enacted*, that by *Virtue* of *this Statute* all these Ecclesiastical, Governours shall have full
Power

Power and Authority to proceed in like Form as heretofore hath been used in like cases by the Queens Ecclesiastical laws.

17. While I read the Statute so express and punctual in the Case, I know you will not blame me, if I wonder at your so frequent comparing the Government of the Church with Usury, and her Governours with Usurers.

18 I do not know of any Statute that gives so much countenance to Usury and Usurers, as to say, *be it enacted that power and Authority be given to Usurers, or that makes them a politick body, and invests them with Government over so much as their own Tribe, and in Cases peculiar to their own way, abuses and faults of Usury: Do not reflect so unbecomingly.*

19. Thirdly, I affirm, that should we yield unto you that there is no express Statute immediately Authorizing Ecclesiastical Governours; yet immediately it it cannot be denied, to be established by Law; I mean such Law as impowers the King to Commission and Authorize the Governours in the Church.

20. That the King hath such a power in him is manifest from the Oath of Supremacy.

primacy. For being supreme Governor in all causes Ecclesiastical, he is so over all persons Ecclesiastical, as to Commissionate all his inferiour Governors; therefore, they all, either mediately or immediately, receive their Commissions from him; which is, no doubt, Legal, in the Judgement of all that understand these Protestant Laws, that revolve the power usurped by the Pope, upon Henry the Eighth, and all his successours, in the Crown of England for ever. v. 26. Hen. 8. c. 1. & Eliz. 1. where you read thus :

21. All Jurisdicions heretofore lawfully exercised by any Ecclesiastical power or Authority for Visitation, Reformation, &c. are united and annexed to the imperial Crown of this Realm : and that your Highness, your Heirs and Successors, shall have full power and Authority, by virtue of this Act, by Letters Patents under the great Seal of England to Assign, Name, and Authorize persons to exercise all manner of Jurisdicions, and to Visit, Reform, Redress, &c.

22. Your Answer is, this at most concludes but for the Governours, and not for the Frame of Government.

23. But

23. But do you not thereby grant as much as my *Argument* needs? For if the *Governours* of the *Church* are Authorized by *Law*; you owe them Obedience, and the *Law* in them; and your *Covenant* provokes you to disobedience.

24. Again, How can all the *Governours* be Authorized by *Law*, and not the Frame of Government too? He that by *Law* Commissionates all the *Governours*, doth he not thereby establish the Frame of Government?

25. Yea, where will you look for the Frame of Government, but in the Seat of *Governours*, and that according to the *Covenant* it self? You there engage against *Prelacy*; that is the Government of the *Church* by *Arch-Bishops*, &c. *Viz.* the several *Governours* of it.

26. You add the *Kings Supremacy* may exist in, and operate by other *Church Governours*, as well as these.

27. I answer easily, that admit what you say, yet as no other sort of *Governours* can be Legally so, until the King Commissionate them as he hath done these; so this kind, *viz.* Episcopal Government, must of necessity continue to be

be Legal, until the King shall Commis-
signate others of another Method; or at
least *withdraw* his Commission from
these in the present form of Church-
Government; if he hath power to do
it by Law.

28. Lastly, I urge you, that *this* Go-
vernment is plainly established by Com-
mon Law.

29. To this you say, that *Prescription*
is a poor Fence to Usurpation; Usury hath
prescription.

30. But *how* doth it appear that the
present Government is an Usurpation:
so weighty a charge deserves proof.

31. Church Governours are the Kings
Ecclesiastical Officers; they have their
power and authority to Govern, given
them by Act of Parliament: this appears,
but that their Government is Usurpati-
on, appears not.

32. To make good your charge, *two*
things require proof. First, that Episco-
pal Government was an Usurpation at
first. Secondly, that it is so still; and
that it hath not obtained a good Title in
law, all this while.

The Statutes now mentioned prove
the present Title of it. And *Magna*
Charta

Charta is a sufficient Evidence, that so long ago it had Legal Authority, and was no Usurpation.

33. I rather mention *Magna Charta* here, because, it is accounted *Common Law*, and adds much strength to my Argument thence, and from long continuance: Especially, seeing there is much for the *Church and Bishops*, but nothing for *Usurers and Usury* to be found in it.

34. The *Plea*, that *Magna Charta* is in behalf of the *Abbots* as well as *Bishops* hath nothing at all against us.

For *Abbots* were since abolished by law, so were not *Bishops*. We are not arguing that nothing confirmed by *Magna Charta* can be lawfully altered: but that *Episcopal Government* confirmed by *Magna Charta* is established by that Law, and not removed by any other.

35. Yea, this *Objection* answers it self, and all the rest of its Company; and yields us an Argument that might pass for an *Instar omnium*.

Abbots and *Bishops* were both confirmed by the Law of this Land: *Abbots* are removed by Law and not *Bishops*; and in the Law, *exceptio firmat Regulam in non exceptis*; and therefore the Law that removed

removed the *Abbots*, did establish the *Bishops*: and thus *Episcopacy* is established by Law.

36. But are there not *State-Officers* that had not their original in the *Statute-Laws*, but only in the *Common-Law* of this Land, (as hundred-Constables and *Crownets*, &c.) will any say, that these are not established by law? These were before the known written statute Laws, and so were *Bishops* in *England* before any *Christian Laws*.

37. Indeed, methinks, the very *Concessions* of your selves, *Mr. Crofton*, yea and of the two Houses of the *Long Parliament*, is as much as my *Argument* and the *Government* of the Church can stand in need of.

P. 28. 19.

38. You grant in one place of your *Book*, your selves, that the *Government* of the Church by *Prelacy*, is not onely limited, restrained, regulated, but directed; yea, in some things authorized by the *Kings Laws*. I think you will hardly say *Usury* is so; or that any thing Authorized by law can be destroyed, but by law: And that sufficeth my *Argument*.

39. Again, methinks, *Mr. Crofton* decides

cides the Controverſie againſt himſelf in his *Beſiſh. Anti-Baſil.* p. 29. There he chargeth the late Biſhop of Exon, becauſe he pleaded for the *Full Diviſion* of Episcopacy, that he did conſent King and Parliament in what all their Statutes declare to be their own creature and conſtitution even from the Statutes of Carliſe, and the 25. of Ed. 3. declaring againſt the Pope, that Holy Church was founded in Prelacy by their own Donation, Power and Authority.

40. Now, I conceive, this was never ſaid of Uſury, or indeed, of any thing not eſtabliſhed by Law. For how is this Donation, Power and Authority, put forth in framing this Creature and Conſtitution of Parliaments, but in Acts of Parliament, that is, the laws of the land.

41. If there be any doubt, what judgment the two Houſes that impoſed the Covenant, had touching the Legality of the Government of the Church of England, we are ſatisfied of that, by their Applications to his Majeſty for the extirpation of it, at the Ile of Wight.

42. Their words are theſe: for the Aboliſhing of Episcopacy we take leave to ſay, that it is not the Apoſtolicall Biſhop,
I which

which the Bill desired of your Majesty, in order to remove; but that Episcopacy formerly was established by law in this Kingdom: Again, onely to put down him by law who was set up by law.

43. Note first, that the Long Parliament did not doubt, but that Episcopacy was establish'd by Law. Secondly, that the imposers of the Covenant did extend the sense of the Covenant against that which was established by law. Thirdly, that yet in their own judgment, that which is set up by law is not to be put down without law. These things they saw at last, though their many years practice before had contradicted them, *vid. Biblioth. Regi. p. 350.*

CASE XII.

Whether the Covenant can oblige against a Future Law.

YOU deny that Episcopal Government hath received any more express Establishment by the Acts of Parliament since the Kings Return, then it had before; but I cannot find, that you say, it hath received no Establishment thereby, onely that its establishment is not more express in the new laws,

laws; then it was in the *Old*; but that I need not dispute.

2. The Establishment of Episcopacy was express enough in my judgment before; and if the new laws be found to establish it at all, my Argument is not interrupted.

3. And truly, methinks, after 20 years shaking, and almost Ruining, we may fairly count the laws, that restore this Government upon its legs again, and not only to its quiet and safety, but to its liberty and power of exercise, should deserve the name of Establishing laws; and the Government be thought to be Established by them, though it stand upon an elder Bottom, which I never denied.

4. Besides, for a law so far to encourage and Countenance of Government that was troden under foot so long together; as to punish all kind of disobedience to it; is plainly to re-establish the same.

5. I might add, we see the King, according to law and his own Supremacy, hath fill'd the Church again with all the several sorts of Ecclesiastical Officers, and hath set again the whole Frame of Government in the very terms of the Co-

nant over us : and thus the Government is Established by law, diametrically against the Covenant: and then surely the Engagement of the Covenant is as opposite to the law as it is to Episcopacy.

6. Consequently, whether the Act of Uniformity doth precisely prohibit Endeavours against this Government, or not, (upon which Argument I cannot but acknowledge you are very ingenious. Other laws require obedience to it, that were indeed made of old, but are now renewed and reinforced by these new laws.

7. Therefore, the Covenant cannot oblige us against this Government, but it doth equally oblige us against these new laws : which to do, I have at large proved to be sinful, and you have said nothing at all to disparage my Arguments.

8. You intimate, your labour is saved in that point ; and you need not discuss how far an Oath may bind against law. But truly, to me this seems to be your proper work ; and that you have questioned the wrong Proposition all this while. I cannot satisfy my self, that what ever you pretend, that you doubt the legality of Episcopal Government.

9. The Exceptions of the Antagonists
you

you mention are answered before : and I have no more to do upon this Case, but to note one Expression of your own in the close of it,

10. You seem to fear *Atheism*, in that which only serves to Vindicate God against our selves. His Authority in his Sovereign pre-obligations upon us, against and after-Obligations contracted by our selves, though by way of Oath and Covenant to the contrary.

11. I cannot but believe that Gods preobligation upon us, to obey Authority in lawful things, is so firm and indissoluble, that no Covenant of ours to the contrary can make those things unlawful, or warrant disobedience therein.

12. This I assert, though our Covenant precede the laws, requiring such lawful things, which needs must pass with abundant Evidence; If these after-laws, as you affirm, do only revive and reinforce those Ancient laws, that had obliged us to the same things before we Covenanted to the contrary.

13. Now this methinks, should have more Piety to God shining in it, upon the eyes of such as read and consider, then to be capable of the suspicion of A-

Atheism, or Irreligion, though I charge not the contrary with what you fear, Treason or Sedition.

14. There is nothing said by you on the thirteenth and fourteenth Cases that doth not either *consent* with me, or is not answered already. I pass to the fifteenth Case.

CASE XV.

Touching the word [Endeavour] and the sense and force of it in the Covenant and in the Act.

1. **T**ouching the word [Endeavour] I conceive you ought to have *sweat more*; for though you find much fault with my *endeavours* about it, yet I can find very little *correction* or *amendment*.

2. I cannot think it my *task* to deal with you as *Censors*, but as *Disputants*; or to answer your *passion*, but your *reason*; now the sum of what you say *rational*ly hereupon is shortly this, That [*endeavour*] is *general* and *indefinite* both in the *Act*, and in the *Covenant*; and that *endeavour* is *sui juris* to the meanest *Subject*.

3. And this you repeat only as the
service

sence of the *Covaryers*, without any Answer to the Argumentative part of my Discourse, which I cannot but mind you was your proper concern.

4. Indeed you chide me with some heat, that I had not given you any Etymology, acception, or interpretation of the word [*endeavour*]; but if you measure the success of your own attempt therein, you will easily excuse my omission of it.

5. For what degree of advantage hath accrued to your school, your Cause, or your Reader, by your Latin, Greek, and Hebrew rendition of the word *endeavour*? yea, your selves had just before intimated, that the English word [*endeavour*] is a word easily and plain to be understood; neither have you better explained it by its Latin, Greek, or Hebrew, nor by any Etymology or Acception at all, more than I had done.

6. I confess you say something is to the Interpretation of it; and so, I think, I did; beyond what you take notice of in your Survey; which provokes me to trouble you with a *Rejoinder*.

4 4 SECT. II.

SECT. I.

Endeavour is distinguished.

1. **Y**OU note (I say not with a *black character*) that I assign some *special Acts* by which *endeavour* may operate; but to assert, that *endeavour* may be either *private* or *publick*; and these less or more publick; and to add explanations and instances of all these (as you know I did) is doubtless more then only to pitch on some *special acts of endeavour* for thus you have the *kinds* and the *modification*, as well as the *acts or operations* of it.

2. Moreover, you know I gave you the application of them also: I say, first, That though in a general and unusual sense our *private Prayers* to God may chance to called *endeavours*, yet they are not so, either *properly*, or in any usual way of speaking, by the *Covenanters* themselves, nor to be presumed to be struck at, in the Act, by the *Magistrate*, who *Governs Kingdoms* and not *Closets*.

3. Again, I offer, That it is hard to assign any other kind of *endeavour* (if *private Prayer* be any) for the *extirpation of Governments* that is pure and simple, and

and without all tincture of Sedition and Danger to the publick; or if there should be any such found, I humbly conceived the Civil Magistrate cannot be Rationally thought to intend them in the Act, there being no danger in them, and the Nature of them not properly under his Cognisance.

4. Now, my Brethren, judge whether it had not been fair for you, upon this notable nick of Controversie, to have entered into a clear Debate of these things: did it not become you, either to shew the Defect of my Enumeration, or at least, to evince that some of the ways of endeavour by me pretended to be unlawful, to be good, just and lawful, and in our own power? and then to have convinc'd us, that some of those lawful endeavours are such as are plainly intended by the Act of Parliament? this, I presume, was your work.

5. Indeed, skipping over what is nearest, you say, you will go to the worst: and here you demand, is it not possible for those very Acts, which bear in my eyes the worst Aspect, to become lawful endeavours?

6. But, my Brethren, is there no difference

ferior betwixt what is so, and what may become so: that which is possible only, is not so much as future much less present. It is certain, *What may be therefore is not:* and when it is affirmed, that such a thing may become lawful, it is thereby granted, that that thing is now not lawful.

7. To affirm therefore that such Endeavours may become lawful, is to condemn them as unlawful at present: and consequently, that we cannot be bound unto them by the Covenants. Now observe it, you are not required to declare that there never may, but for the present, there now *is* no: or in the present tense there *is* no Obligation upon us thereunto.

SECT. 2.

Of the Acts of Endeavour justified by my Brethren.

Give me leave also to come to the
I am most with you, my Brethren, and to ask you, what those endeavours or acts of endeavour are that you insist on: I mean, that not only may become lawful, but are so, as a present Bar against your Subscriptions.

2. You

Now! You seem to grant, that for a Minister to preach a Law, to plead, and the Soldier to fight against Episcopacy, are at present unlawful; for these, you say, may become lawful. If you indeed think there are any such as are *square to Rule*, in all points justifiable and lawful, it is much you named them not; without this you have done nothing. In generalisation, *totus Ordo*, and the word *Episcopium* is but a *Bag-word*.

3. Is it not safe to mention them? however, it is duty and necessary; but surely that cannot be the reason, seeing you begin with so much confidence in the English Clergy, and have found out ways to insinuate things were obnoxious.

4. Therefore, though in this most fit and proper place you do it not, yet in another you make my Antagonist to serve the turn. In p. 28. I smile these words: *The Committers* (say you) will tell me, there are Acts of Endowment for Expropriation other than what I mention, such as Theological disputation, submissive supplication, popular groans, and complaints of grievances; by and add, it, which are consistent with submission to is while existent.

5. My

5. My Brethren, I must needs acknowledge, I took great Content and satisfaction to my self from *these words*; not doubting but you knew how to express our *Covenanting Brethrens* minds, in the point, and that you do it *truly*.

6. Their *Judgement* soberly, it seems is this; They hold themselves bound by the Covenant to *Endeavour* to extirpate Episcopal Government, by no means that are inconsistent with submission to it, whiles existent.

7. This I look upon as a very great Concession from the rigour of former Principles and Practices; and a fair step to a good agreement betwixt us which the Good Lord prosper.

8. For, hereby, you seem to grant 3. things of no small concern in the Controversie,

1. That they can submit unto Episcopal Government, notwithstanding the Covenant: That is, I presume, they can *Act* under it, in several places, and obey it in things *lawful*: otherwise, they do not submit unto it, as a Government.

2. Therefore, they grant, that Episcopal Government is not an unlawful Government, or sinful of it self, or by the

Word

Word of God; otherwise, I believe you would not so far own it, as to obey it, or submit unto it.

3. That if they can find out no such Endeavours against *this* Government, intended by the *Act*, as are consistent with submission to it while existent, and liable to no other just exception, we are agreed. For then you may declare there lies no Obligation to such Endeavours as are not; *de non ente non est Obligatio*. Latovot

9. Now, we are so near, suffer me to reach you with a word or two of serious advice, that you would bestow a few thoughts upon the following inquiries.

1. Whether, if the Government of the Church be not *sinful*, by the Word of God, it be not *necessary* to us, by the laws of the land, the Oath of Supremacy, and *secundario*, by the Laws of God?

2. Hereupon, it is further worthy our inquiry, what Endeavours to extirpate *this* Government thus necessary are *vis Juri* to every Subject? I do not say to Reform, but to extirpate it.

3. Thirdly, Admitting the Moderate sense of some Covenanters, that the Covenant doth not intend an Extirpation, but a Regulation of this Government;

Whether

whether the Declaration be not reconcilable with the Obligation heretofore; seeing there we declare that we are not obliged to change or alter, nor to reform this Government. *finis movabilis*
 Lastly, take the sense of the Object now you please, it may be queried, whether you have not done your endeavour? after so long and strenuous Endeavours against it almost 20 years before, and several years since the happy Restauration; we find the King, the Peers and People of England in Parliament, have sufficiently declared, that it shall not be extirpated?

So that, to reason, there now appears no further hope of effecting our endeavours; and consequently the Obligation thereto ceaseth, by the Rule, *Nemo Tenetur ad impossibile*.

Pardon this digression so fairly occasioned; and I now hasten to examine those several Acts of Endeavour, which you have, in the Name of the Covenanters, proposed and Judged to be lawful. Theological, disputation; Submiss supplication; popular groans, and complaints of grievances by and under it; of them in Order.

SECT. 3.

SECTION 3.

Of Endeavour by popular growth
and complaints.

1. **I**N order to a true Judgement of the Lawfulness of these Acts of Endeavour, let us take a glance of the object of them as you have proposed it; you do not say the Government itself, but grievances by and under it.

2. First, then, for grievances under it, they may be redressed, without the utter Extirpation of the Government itself.

3. Again, we are not required to declare that we are not bound to endeavour to remove them; it is a change of Government, in the Act; and Extirpation, you say in the Covenant, and not a Reformation, or Redress of grievances only.

4. Secondly, for grievances by it, I Ask, whether you intend such grievances as flow from the Nature, or such only, as happen upon the abuse or Misadministration of this Government: if you say, such as flow from the Nature of it, then you must prove Episcopal Government to be evil in Se; which I think you will not undertake; but if such as flow from Abuse only, you are not
beld

beld from Endeavouring against them.

5. If you yet doubt, whether you may not Endeavor against the Government itself, let us proceed to Examine particularly the Acts of Endeavour specified by you: *Disputation, supplication, groans, or complaints.*

6. For the last sort, *groans, and complaints*, I cannot understand, how these can be provoked, but where there is burden and grievance to be groaned under, or complained of.

7. That the Government it self is so, you do not say, much less evince: if it be found so, by Male-administration, Complain for me, and spare not; so you do it regularly, and not tumultuously.

8. Yet, I must needs observe, that groans and complaints under a Government must carry sedition in the manner of them, or else they cannot, properly, or without very much straining, be called acts of Endeavour for the extirpation of it.

S E C T. 4.

Of Endeavour by *disputations.*

1. A Second sort of Acts of Endeavour, specified by you, are *Theological Disputations*; but these, Neither,

ther, are Endeavour, properly and directly
called, as to the end intended.

1. For in such Disputations, who
knows not, but, as Opponents, we may
dispute for Equity, or any other Reason
by such Arguments, that are believed in
the Church of England, intended to be
vindicated, and not destroyed.

2. Neither are such Disputations any
Manner towards the Dissolution of Bisho-
pacy, with the persons that have power
to do it, seeing our Government receive no
Application or Request by themselves.

3. Neither, is it the proper Business
of such Scholastick Disputations, to work
upon our Government to the end, who are
noway concerned to take notice of them.

4. Yet, admit they were for this be-
teach you to proceed after what manner
these publique Disputations are to be
managed, as Endeavour for this end to

5. Consider, what will you dispute
against? The Lawfulness of the Govern-
ment? I am confident you do not intend
it to be unlawful, either by the Word
of God, or the Laws of the Land. But you
say you bear Affection to Episcopacy, yea,
such affection to it, that you would have
supplanted by the Deeds of the Government.

10

K

7. Give

Give me leave again, what will
 you dispute for? the Extermination of
 Episcopacy? how can this Consist with
 your Affection to us? or what Arguments
 what Reasons, will your Affection, to it
 still insist, to Ruine and destruction?
 Besides, when such Disputations ap-
 pears to design and intend the Exter-
 mination of the King, his Clergy and Govern-
 ment, who see a not Manifest Sedition in
 it, to say no more.
 Especially, when the Supreme Go-
 vernment, hath openly and freely given
 judgment, declared their Will to the Con-
 tinent, by Restoring this Government, to
 all its Officers, to its former Authority
 and Privileges against all Endeavours
 for its Extermination.
 Lastly, would you dispute only for
 a Reformation of it? this is not a change
 or Extermination: and not concern'd in the
 Disputation, as I have often noted.
 But you are ready to say, there is
 a Submissive Supplication, and this is
 your Endeavour, and say I am so
 Subject. But I shall to you of God or
 Upon both these branches I must
 dwell a little, for indeed, here lies the
 Key of this Controversie, and the strength

Samson; but it must be better proved
1. That Religion is properly Endeavour
and in the sense of the Act; and 2. That
Religion and Endeavour are the same
in the sense of the Subject. I shall Examine
them distinctly and briefly. For the first
of these, your Honour is of opinion that

S E C T. 5.

Whether Religion be an Endeavour pro-
perly and in the Act.

1. Doubt is easily removed, as the
illustrious is first granted, that no Person
is ever to do anything in to endeavour and so on.

2. We know, that Religion or prayer
to God is Ordinarily distinguished from
our own Endeavour for the same thing
we endeavour to win and so on.

3. Neither is there any necessity to re-
spond to Religion or prayers to God
and so on called God; with our own
Endeavour especially, considering that
the things we Ask of God are capable of
our own Endeavour (as you say) if it be for
gaining or maintaining of grace or piety,
our prayers, are a means not onely of ob-
taining but of refreshing the same; but as al-
most all and generally is a thing of this
nature, that we endeavour to gain or so on

And no further towards it: all the work for the effecting of it belongs to our Government; put any familiar Instance with your selves, and resolve the doubt: will you say that the Child desiring his Father to wind up his Watch is the Child Endeavouring the winding it up: or to wind it up.

4. I can easily Consent, that Conatus is not effectus: yet you acknowledge it, is a motion towards the Effect: which you call a Natural power: and I doubt not we agree, that Conatus hath essentially in it a Natural tendency and operation towards the effect, Endeavour'd.

Now simple and bare Petition or submit supplication hath not so: it hath indeed a verbal motion for the thing desired, but no real Operation or Natural Motion towards the effecting of it.

5. The subject, by Petition, doth desire it; but the Parliament in all these legal methods of debating, voting, committing, engrossing &c. do properly endeavour the Abolition of any thing legally established.

6. Truly, I soberly discern this distinction of Petition and Endeavour both in the Covenant, and in the Act of Dissolution.

8. The Covenant saith, we shall Endeavour the Extirpation of Prelacy: not define, or perswade, but Endeavour. Neither can you possibly perswade yourselves, that such as then imposed and took the Covenant did at first intend such Endeavours as you mean; who took other courses, you well know, to effect the same.

9. It is added, Constantly and zealously: must we be always zealous and hot in our Petitions: must we perpetually sollicite King and Parliament with our supplications? this will hardly consist with submitive Supplication.

10. Indeed it is plainly Seditious in itself, to take Endeavour in your own sense, publicly to engage by Covenant; zealously, and constantly to Petition the Alteration of Government: this is, to declare to the World; that we will never be quiet under it.

11. Thus, also, it is in the Act: we are to declare, there lies no Obligation to Endeavour a change: it is not said, that we shall not Petition that others may Endeavour it.

12. Rational Endeavour implies, that the persons endeavouring have probably a power to effect: but it is certain, before hand,

hand, that, without the Supreme Legislative Power, the Subjects cannot effect the Extirpation of Episcopacy; therefore they cannot rationally or lawfully intend it: therefore if they promise or Covenant to do it is sinful; and they may lawfully declare they are not obliged unto it; that is to intend what they have no power by Law to do: neither can the Act be thought to intend any more. *Stratton* is of this opinion.

13. Lastly, If submit supplication be yet thought to have any spirit of endeavour in it, it cannot be rationally thought to be intended in the word, *endeavour*, in the Act; you observe that *Endeavour* in the Act and in the Covenant are of one meaning, and it is too evident there was more in *endeavour* in the Covenant than mere Petition and submit supplication; which ran us upon those sad consequences that in all reason the Intention of this new Act is but to secure us from your say to make Laws against simple *Endeavour* is certainly destructive to the Liberty of the Subject and Privilege of Parliament; Mr. thinks then, you should not apprehend such a simple and bare *endeavour* to be disclaimed, as is essential in your own Judge.

Judgements to the Liberty of the Subject
and Privilege of Parliament.

S E C T.

If better to enslave us, than to be at all times
under the Jurisdiction of every Subject, &c.

I cannot yet consent, that to endea-
vor to alter the Government of the
Church, is at all times, or at this time,
for to alter to every, or to any, Subject, or
indeed to any person in the Nation, to
speak home.

2. The King is the proper Judge of
what Government is fittest for the Church,
both as he is Supreme Government over it,
and as he is the Head of the Parliament.

3. As he is Supreme Government over the
Church of England, he is Supreme Judge
in all Causes, into whom the last Appeal
revolves: and consequently, he is Supreme
Judge in this of the fitness of the Govern-
ment of the Church, unto whom the last
Appeal for a final & definitive sentence
and determination is only to be made.

4. Again, as he is Head of the Parlia-
ment, he is no less. For though the 2 Hou-
ses be also Judges of the fitness of the Go-
vernment, yet still, with submission and re-
servation to the highest Judge thereof,

their Sovereign Lord the King; who hath a Negative upon both Houses, and gives life or death, with his own word, to any Bill tendred to him.

5. So that in matters Legally enacting, the King hath this great advantage above his 2. houses: the King hath power of himself to continue the existence of any such thing, without his two houses; that is, whether they will or not: and they cannot remove or abolish any such thing without the King, or whether he will or no.

6. Suppose it be granted, that the people may petition, & both houses may proceed so far as to frame a Bill against a Government absolutely considered, and without respect to any Prior Obligations by Oath, or otherwise, upon the King; and tender this unto the King, in Order to the extirpation of the same: yet if the King refuse to pass the Bill, that Bill so once rejected cannot be revived, during that Parliament: neither may any person, in either house, so much as move it any more, by the laws of Parliament; which nothing can warrant against, but the necessity of the things so to be revived upon the Word of God.

7. The same Reason perswades me, that

that, when both King and Parliament have, by fresh law, declared their dissent to alter the Government against all endeavours used to that end, (and so they have done, by the late Statute for its re-
stitution) then, we the Subjects cannot be bound any longer to endeavour it, if we were bound before.

8. To be bound, still to vex the King and Parliament with perpetual repetition of Petitions to remove a Government, which they have, & still do signify they will not remove: yea, which they do signify own and ratifie so much the more, to be bound to go contrary to authority, as well as Law, to trouble the peace of Church and State, and the Government over us; and indeed, to endeavour or labour in vain, all hopes of prevailing being taken away: *at postquam salam deprecata est, et constat fieri non posse, cessat obligatio, ex jam dicto fundamento, quod: Nemo Teneatur ad impossibile.*

9. This must needs pass without all controul, if we add to the consideration, that the King is known to be born to, and bound to take an Oath, by the very constitution of the Kingdom, to maintain and defend the Government in question, as he is King,

10. It

10. Whence inevitably follows, that the King cannot take a *previous Oath* contrary to his *Coronation Oath*, but he thereby violates the very constitution of this Kingdom; and there is an *Oath* given upon him to defend, and to swear to defend, before any *Convention* that may be taken by him to expiate Episcopacy.

11. Yet, the King cannot be bound to endeavour to expiate Episcopacy, by any such *previous Oath*; seeing such endeavours cannot consist with the Tenor of his *Coronation Oath*, to protect and defend the Bishops: and if he should be tempted to take such an *Oath*, against the Bishops, it is void *ipso facto*; for as he was born *Heir* to the Crown, he was born *Heir* to the Oath of the Crown, and bound as King to take it.

12. I need not say the *Coronation Oath* is *unalterable* in this particular. It is enough, that it is not yet altered, and that it cannot be legally altered, but by *Act of Parliament*. I am sure, you will not say the King, much less before he is Crowned, such power of himself, or with any others besides his *Parliament*, to make or diminish or alter any known Law, especially

specially that which should be at the
 pretermission & contrary in the said to be
 raised to the said, but to be given
 to the said, the said, observe & weigh
 the differences; if any, and then by the
 King or the contrary before hand, and
 void the Coronation Oath, requested by
 him, when the King by his private Oath
 may equally bind himself to endeavour
 to destroy the peace and of Parliament
 the liberty of the subject, and the other
 great concerns of Magna Carta, as well
 as to support Episcopacy, which the Com-
 mon Oath taken afterwards, would not
 as it is, give him any ground by the Law
 of the Land. I argue not, now, from the
 necessity of the thing, but from the Ob-
 ligation of the Law and Oath taken by
 the King, and void them, as was said
 at 14. The Coronation Oath is part of the
 Subjuration of the Crown, and all the
 Subjects in which several capacities are
 equally concerned in every part of it, as
 Subjects; for if we allow the said to be
 any one part, we lose our security in the
 rest. And also all his, as was said
 at 15. Moreover, 'tis certain, that though
 where the Confidants judge the char-
 acter of a former Oath to be of the Consci-

not bound against any future Oath to the contrary; yet if the Conscience be convinced or fully persuaded that the former Oath was sinful in the matter of it, and then take upon it a new Oath to the contrary, in such case the latter Oath binds the conscience notwithstanding. *16.* Now it is open and plain to all the world, that (seeing the King hath taken his Coronation Oath for to defend the Bishops, & passed those Bills for the preservation and preservation of Episcopal Government, and by his other proclamations and practices of the like nature,) his Conscience will not suffer him to destroy Episcopacy, and therefore to him that endeavours to do so, is very sinful in itself, and to vilify the word of God. Surely, the King cannot be bound to endeavour against his Conscience, more then to you against your; much less against his Conscience bound by an Oath his solemn Coronation Oath; the bond of his Fidelity, and peoples security, this hath taken hold upon him, and inevitably stretch him under such compulsion, to preserve his Conscience, and his oath, and Episcopal Government. *18.* In all charity and duty we are bound to judge according to all this ap-

pearance; and I cannot imagine that any
man doth scruple whether the King be in
His Judgment for Episcopal Government,
against all the Evidence He hath given us
of it.

I say So that the Opinion of the most
Person is removed beyond all suspicion;
and seeing we are not to declare what
things are in themselves, but what we
judge them to be, who can possibly think
to declare; That he holds the single Per-
son is not bound by any to endeavour
the restitution of Episcopal Government.
Now, for any other Person, whe-
ther the Lord or Commons in Parliament
or inferior Courts; how can they, or
any of them, be bound, think ye, to
endeavour to make the King sin, and in
so high a manner as to violate His Con-
science, and His solemn sacred Coronation
in Oath? without which he cannot
reign. Can His Royal Power proceed with
His Majesty to the restitution of Episcopal
Government? Yes, I say, much less doubt it;
and yet without both it cannot be lawfully
done; neither can any business be in
any lawful way, but by desiring and en-
deavouring to persuade the King thus to
do.

Confess and Stand against Oath and Caus-
 23. But lest it should be doubted
 whether the King doth seem to refuse
 the Bishops: give me leave to subjoyne
 Account of that Saluaty proceeding as the
 Commission is for as it relates to our
 Law and I have done with this
 great part of my Task
 24. After the many other grievances
 which the King makes to his People
 One of the Billings reading with the King
 before the People concerning the same
 is that privilege of the Clergy and be-
 longing to them that he would be the Res-
 torer of the Bishops and the Churches in-
 der their Government. The King is
 bound in these words with a willing and
 due forborne of himself and grant my
 pardon and that I will restore and
 commit to you and the Churches com-
 mitted to your charge, All Canonical
 Privileges and due Liberty and Justice:
 and that will be the Reason and Dis-
 cussion to you for as the Assistance of
 God is to be sought in his King-
 dom in right, so shall the People be

sent the Bishop and Chapter under their Government, till now should remain

25. Then the King ariseth, and at the Communion Table makes a Solenne Oath in the presence of the People, to observe the premisses, and laying his hand upon the Book, saith, the things which I have before promised, I shall perform, and keep: So help me God, and the contents of this Book.

26. Now, who can think himself, or any other person, bound by any Obligation whatsoever, to Necessaries (so far as in them lies) to his Sacred Majesty to violate his Oath so Solenne sworn on his Inauguration?

CASE XVII.

Whether the Covenant be not against the Liberty of the Subject

1. I must still assert, the Liberty of the Subject was apparently violated by the Ordinance for the Covenant: seeing the Free-holders of so many Several parishes and famous Corporations were thereby invaded; while the Bishop and Chapter were in deeply concerned had none to defend them, in either house of Parliament, when that Ordinance passed on

2. This

9. This was the Emphasis of my Argument, which you little noticed, and

ding, I am full of the mind, in my cold
of blood, that ¹³⁰⁰ ~~without~~ ¹³⁰⁰ ~~Refers~~ ¹³⁰⁰ ~~to~~ ¹³⁰⁰ ~~some~~
¹³⁰⁰ ~~representable~~ ¹³⁰⁰ ~~persons~~ ¹³⁰⁰ ~~it is not for~~ ¹³⁰⁰ ~~to~~
to the King, or Parliament, to destroy
any person or publique Corporation, or
to deprive them of their legal Freehold,
especially whilst their Representatives are
kept out of Parliament: it being against
common Justice, and the Liberty of the
Subject in ~~England~~ ^{England}.

4. To conclude, admit Mr. Croft do only Repeat the words in the Petition of Right, [whereas many of them have an Oath administered to them, not warrantable by the Laws and Statutes of this Realm] yet my Assertion stands firm enough, that the Covenant is against the Petition of Right.

For, it is not warranted by the
Laws and Statutes of this Realm, whe-
ther you consider the manner of impo-
sing and taking, or the very matter of it,
as hath fully appeared before.

03 407 This true, and are given by Col-
 lages, and Corporations: but are they
 nobilitate by the Law, and are
 said to, & saves

ties of the Realm? If not, I am not afraid to infer, that such as impose them run, thereby into a premunire; if they are, then my argument passeth untouch'd

7. Indeed, these particular Oaths are not, in so many words, found in the Statutes; yet who doubts, but that the King hath power by the Laws of the Land, to grant such Charters; and to give Authority to Colledges and Corporations to Administer such Oaths?

8. Again, who can, or dare lay claim to such a power, but the King: or Administer such Oaths, without power from the King; much less against his Express will and Proclamation?

CASE XVII.

Whether the Covenant be not against former Obligations.

1. I Conclude it is so, and therefore void: the force of the Consequence cannot be resisted in those Excellent words of our great Casuist, *Obligatio Antecedens impedit effectum Juramenti Subsequentis, ne possit Obligari: Semper enim Obligatio prior prejudicat posteriori, & Primum facit omnem Actum inductivum novae Obligationis sibi Contrarius.*

2. I assume, there were three strong Cords and bonds of *God* upon us, to the Contrary, before ever the Covenant was taken or thought of; to Obey Authority: to keep our Oaths and promises: to Serve the Church in Our Generations; which we shal now review in their order.

S E C T. I.

Whether the Covenant be not against the Law of Obedience to Authority.

1. **Y**OU would perswade us, that I affirm this onely upon my former Principles, because the Covenant is against the *Rights* of the King, the *Laws* of the Land, the *Priviledge* of Parliament, and the *Liberty* of the Subjects: which, you conceive, are all laid in the dust

2. Perhaps, you may find these Principles more potent and vigorous in their Resurrection: however, though I had a General Reflection upon these former Arguments; yet, I added a particular force to the present Argument, (which, having raised a *Dust*, it seems you did not see,) in these words.

3. More particularly, God first Obligeth us to be *Subject* and to obey our Governours; and the Covenant would engage

engage us to *disobey*, *disown* and *destroy* them: (I mean our Governours in the Church) the Covenant would *discharge* us of our *obedience*, and *oblige* us to *Resistance*, Contrary to Gods expresse obligation upon us, which cannot be.

4. God doth immediately, by his *Word*, and likewise by the *Mediation* and *interposition* of *Civil Authority*, command us to *obey*, to be *subject*, and not to *resist* our *Spiritual Governours*, the Covenant would engage to *break all at once*; and at once to *violate the Laws* of God, the King and the Church, and all Authority.

5. Our duty is *positive*, to be *subject*, 2. *Negative*, not to *Resist*; *whosoever resisteth the power*, resisteth the *Ordinance of God*. Wherefore we must needs be *subject* for *conscience sake*. Rom. 13. Now both these are broken by the Covenant; the one by *omission*, the other by *commission*.

6. First, Our *positive duty of obedience* and *subjection* carrieth in it, by *Universal Consent*, to *defend*, *preserve*, to *honour*, *observe*, and to be *faithful* to our *Governours*; now how these are consistent with *Endeavours to Extirpate*, I cannot see.

as above

L 2

Against

7. Again, Our Negative part, or *Non-resistance*, is transgressed too: by the *Apostles Logic*, not to be subject, is to Resist: whosoever *Resisteth* — wherefore we must needs be *Subject*: however, to *Endeavour to Extirpate*, is too plainly to Resist.

8. For *Endeavours to Extirpate* a Government are both far beyond the compass of *Subjection*, they being no part either of *Active* or *Passive* Obedience; and deep in the Nature of *Resistance*, most properly taken.

9. *Endeavours to Extirpate* have *Action* in them, and are therefore more then *passive* Obedience: their *Action* also is *Diametrically* opposite to *Active* Obedience.

10. Again, *Endeavours to Extirpate* do formally carry *Resistance* in them: yea, they are the *formal Act* of high Resistance, not of the Law only, but of the Government it self: not in the *Action* only, but in the very being of it: for *Extirpation* is the end and utmost of *Resistance*; and therefore, *Endeavour to Extirpate* is properly *resistance*.

11. Pray, resolve me, to what part of our *Duty* to our Parents will you reduce
Endea-

Endeavours to Extirpate their Govern-
ment over us: or how can such Endeavours square and Conform to the Com-
mands of God, and the Laws of the
Land, Not to Resist, but to be Subject
to our Governours, Ecclesiastical and
Civil?

12. 'Tis *vain* to say, we are bound to
obey the *laws*, yet we may Endeavour to
have them changed: It is *not safe* to Ar-
gue from the *Laws*, which are but the
Rule, to our Governours, who are the
object of our obedience.

13. If *this* consequence be *Good*, upon
an Oath taken of the like Nature, against
the civil power, we may hold our selves
bound to Endeavour to Extirpate both
King and Parliament.

14. For Government by Monarchy,
and the Constitution of Parliaments,
you will not say, they are in themselves
Necessary to our civil State; and if, be-
cause Episcopacy is doubted to be *jure*
Divino, you conclude it *lawful* to swear
against it; or having so sworn, to En-
deavour to Extirpate it, I dare not un-
dertake to find a way for the civil Go-
vernment to escape the danger: the In-
ference is *easy*, from Government to Go-

verment; though the one be in the Church, and the other in the State; especially seeing we cannot resist the one, and not disobey the other.

SECT. 2.

Whether the Covenant be not against Former Oaths and Promises.

1. **T**HIS I also affirm, and consequently, that the Covenant was prevented by such Prior Obligations; the Case is fully stated in these words of our Reverend Casuist. *Si cui Juramentum suscipiendum defereretur, continens aliquid quod Obligationi priori sive Naturali sive acquisitæ adversatur ut si adversetur officio, quod parenti debetur aut principi; vel si repugnet ei quod Antelicitè juratum fuit vel promissum ejusmodi Juramentum, non potest à quoquam salvâ conscientia, vel præstari, vel præstitum adimpleri; qui utrumvis fecerit, pejeraverit.*

2. I assume, that the Oaths of Allegiance, Supremacy and the Protestation of May 5. 1641. were taken by the Nation, before any of the Nation took the Covenant, and that the Covenant in the Second Article is Repugnant to them all.

3. In all these, you say, I was fully pre-

prevented by Mr. Crofton; and seeing this is all you say against me in these particulars, I shall only return you to one, who in all of them did as fully prevent Mr. Crofton many years ago.

4. He leads us on thus; as his Majesty hath sworn expressly to maintain and defend the Government of the Church, by Arch-Bishops, Bishops, &c. So have we his Subjects implicitly sworn the same, as many of us as have taken the Oaths of Supremacy, of Allegiance, and the late Protestation.

5. For first, his Majesty having sworn so solemnly to maintain and preserve this Government of the Church, if any Attempts or Conspiracies should be made against it we are bound by the Oath of Allegiance to maintain and defend his Majesty to the utmost of our power, in his endeavouring to make good that his oath of maintaining & defending that Government of the Church and the Rights and Priviledges of these Governours against all those Conspiracies and Attempts.

6. Secondly, we have sworn in our Oath of Supremacy, that the Kings Highness is the only Supream of this Realm,

as well in *spiritual* things and causes, as Temporal; and that we shall to our power assist and defend all Jurisdiction, Priviledge and Authority, granted or e-
 longing to the Kings Highness: the Go-
 vernment of the Church being such an
Ecclesiastical thing, and Cause, as that,
 next to the Doctrine of the Church, there
 is not any *Ecclesiastical thing* or Cause
 of nearer concernment to the King, and
 whole Kingdome; and the *Regulating*
 and ordering thereof belonging to his
Jurisdiction, Priviledge, Preheminence
 and Authority, we are obliged by *that*
Oath, not only to acknowledge his Ma-
 jesty to be the *Supream Governour* in
that thing and Cause, but also to our
 power assist and defend that *Jurisdiction*,
 Priviledge, Preheminence and Au-
 thority; and not to Assay, or Endeavour
 ought concerning the Altering, much
 less the rooting out of that Government,
 without the Kings Consent and Ap-
 probation.

7. Lastly, we having sworn in our
late Protestation to maintain and defend
 the Doctrine of the Church of England,
 against Popery: and one Article of *that*
Doctrine, which the *Papists* mainly Op-
 pose,

pose, viz. six and thirty, together with several other parts thereof, approving and justifying the Government of this Church; it must be granted, that we are by this Oath bound so far to maintain and defend that Government, as to approve and justify the lawfulness thereof both in it self, and in its Constitution here among us.

8. Besides, we swear expressly in the same Protestation to maintain and defend the lawful Rights and Liberties of the Subject, and every person that made that Protestation; and therefore in that respect until we are convinced, either that Arch-Bishops and Bishops, &c. are no Subjects; or that their Right of Governing this Church is not lawful; we are bound by that Branch of the Oath, not only not to Endeavour the Extirpation of the Government of the Church by them, but to the utmost of our power to maintain and defend them in that their Right of Government; and every person that took the Protestation in whatsoever he hath since done, or shall hereafter do in the maintenance and defence thereof. *Anti-confederacy, p. 51.*

9a. Printed 1644.

9. You

9. You believe Mr. Crofton will not stick to allow the Nationality of the Protestation: and then the whole Nation was under the Obligation of the Protestation, before the Covenant was taken: and consequently in those things before recited, the Covenant was superseded, and Master Croftons Imaginary Reality and Nationality of the Covenant, is thrown to the ground by Mr. Croftons Logick; his Position undermined by his Supposition.

10. Give me leave also to remember, that both in the Oath of Supremacy, and the Protestation, it was sworn to maintain the Kings Honor, as well as his Authority: but the Covenant is to endeavour to make the King break his Oath; which is plainly contrary to Endeavours to save his Honour.

11. The King hath sworn to defend and maintain this Government. It is not a necessary Duty from the Word of God, to destroy it: there is nothing more dishonourable in a King, then to break his Faith with his Subjects, yea, his Oath to them, his Oath to defend and protect them, and in so deep a measure too, by his Extirpation and rooting them out.

out. Lastly, the Covenant is to endeavour to prevail with the King thus, to break his Faith and Oath with his Subjects, in a thing, in your own judgments, not necessary upon him from the Word of God. Now avoid the Consequence if you can.

SECT. 3.

Whether the Covenant can oblige us to the laying down of our Ministry.

1. **T**Hirdly, I assert, we are first obliged to serve the Church in the work of the Ministry; and the Obligation of the Covenant can no way disoblige us or discharge us of it.

2. The Argument in short, is thus. No man hath power to put a Bar, by any self-contracted Obligation, about a thing not necessary in the way of his duty, to God or his Church; the reason is, God hath first in Nature and Scripture obliged him to his duty. *Est illicitum quicquid bono publico adversatur, aut paci Ecclesiast. politicae Domesticae.* Sand. & *Alius unus non debet prejudicare juri alterius.* Our own private *Ad* ought not to prejudice the right of another, much less God & the Church.

3. But now to leave our Ministerial office, because we will not renounce this part

part of the *Covenant* as required by *law* into put a Bar in the way of our duty to God and his Church, from a self-contradicted obligation, about a thing in it self not necessary.

4. I spent above 8. pag. in the book *sur-*
veigh'd by you, in the prosecution of this
Argument. Pray read them over again, &
judge whether you have said, much less
as you speak of my other *Arguments*, laid
it in the dust, indeed you have not touch-
ed it with one of your fingers.

5. This *Argument* may grant, or rather
give, that it was lawful not to renounce the
obligation of the *Covenant*, before this *Act*
was made; but now the *Act* requires it as
the condition of continuing in the *Minis-*
try; the Case is otherwise.

6. For the *Covenant* could not be taken
in a matter not necessary, without such a
condition, that the performing of it or the
non-renouncing of it do not afterwards
prove a bar to our duty, be understood.
The Rule is known, *rebus sic stantibus*,
vel si in eodē statu res permanserint, upon
condition, that no sin hereafter be to be
committed, no injury done, no duty o-
mitted by keeping our Oath, or any
thing truly consequential thereunto.

7. There

7. There is a Case in Bishop Sanderson that brings us very near our own.

Si Filius familias, &c. If a Son, saith he, swear to do a thing that is in it self lawful, and his father (not knowing what his son hath sworn) commands him to do something which hinders him from doing that which he had sworn to do, (dubio non sibi licet id idcirco, sed quia non potest, quod iuratum est.) He resolves the case, *filius non tenetur juramento*; his reason is, *quia lege divina Naturali tenetur parere imperio Patris.*

8. Thus admit that you swore a lawful thing in the Covenant; your Civil Parent commands you to do that, which hinders the performing your Covenant; the Renouncing of the Obligation of it, in the Second Article. But; how much greater force is added to the Argument, if you consider the effect of your disobedience to this Command of Authority, your ceasing to work any longer in the Ministry, and disobedience to God that called you to it.

9. *Causa Causa est Causa Consensu*; the Cause of your ceasing to do your duty to God, the Law and the Church, is your Non-Subscription, the cause of your Non-Sub-

Sub-

Subscription, is the Covenant. Therefore the Covenant is the cause of *etasing* to do your duty; and therefore *sinful*, and not obliging.

Supream Authority hath, doubtless, power to make any conditions of our serving the Church within its Dominions; in things not *sinful*, according to its own reason of State: the Covenant cannot hold us from performing such condition; for then it *binds* us from doing our duty, by hindering from performing the condition, upon which alone we are suffer'd to keep our places, and to serve the Church, and to which we have a *pre-obligation* of God upon us, not to be so easily broken by our own hands.

11. Therefore, my dear Brethren, in the fear of the great God, whose *Servants* we all are; let me request you once again, seriously to consider: that though, for your oaths sake you ought to quit your own Interest; yet the Churches and the States you cannot.

12. Pray, enquire, who gave you power to expose your selves to an Incapacity of serving the Church, in the high and holy Calling of the Ministry (to which God hath called you, and for which he hath qualified)

sted) you, and in which, he expects you should be constant and faithful by such a Covenant as the renouncing thereof, is now made the condition of our station, and the discharge of our Office.

13. Ask your selves, was not the Law of God, requiring all that should be received into the Ministry, to preach the Gospel, to watch for souls, not to look back, &c. of force, before the Covenant? how then, can you plead the Covenant for the voiding of it? in such things too, as are certainly no conditions of Gods Commands.

15. I do not well know, what you mean, by the last note of your Surveigh, which onely remains to be taken notice of, your words are these. We conceive the best of Actions may be as capable of an Impedlt. boni by the intervenient inhibiting Decree of Caesar: and we are to be satisfied that in that case the guilt of non-service to the Church is chargeable on our souls: We may not sin that good should come thereof.

16. So far as I apprehend this Objection, it is most easily answered.

17. First, by yielding that the best of your Actions must be performed, whether Caesar inh bite or not.

18. Sc-

18. Secondly, by *denying* endeavours to extirpate Episcopal Government to be of the best sort of your Actions: or the not *endeavouring* the same, or the renouncing the obligation of the Covenant so far, to be sin.

19. I have often said, that *thus* to endeavour the extirpation of Episcopal Government is not in it self a duty: many of your Actions are so, and particularly, the discharge of your offices and places: therefore, if it be so far off, that, through the command of Caesar, you cannot both discharge your necessary duties, and also hold your selves bound not to do a thing that in it self, is not necessary, that which would oblige you not to perform such condition of your duties, ceaseth so far to oblige you, and that is the Covenant.

20. Otherwise, by your own Act about an object not in it self a duty, you would supersede the Authority of Caesar in things indifferent, & elip the power which God hath given him; by extending the effect of your Covenant with God, to Caesars injury. *Injuriam alteri facis, qui quasi Jure suo statuis de iis quae sunt juris alieni.*

Liberavi animam meam.

1870

A
REVIEW
OF THE
GRAND CASE
OF THE
Present Ministry,

Whether they may *Lawfully*
Declare and Subscribe as by
the late *Act of Unifor-*
mity is required?

In Reply to a Book Entitled;

A Short Surveigh of the Grand Case, &c.

Wherein *all their Objections* against both
the *Declarations* are *Considered and Answered.*

By the same Hand.

~~By Francis Fullwood, DD.]~~
Job. 4. 2. *If we assay to commune with thee; wilt*
thou be grieved? but who can withhold himself
from speaking?

London, Printed for T. Dring, and are to be sold
at the *George in Fleet-street*, and by *M. Mitchel*,
at the first Shop in *Westminster*
Hall. 1665.

pointing it; and it is so much allowed, so far fixed and established by the Laws, that he that shall any way engage against it doth so far engage against known Law.

2. Now until this be questioned, to what end do we trouble our selves any further? All that is more then this is *ex abundanti*, and hath no necessary place left in the *Argument*.

3. Yet of this, whereon the very hinge of the Controversie turns, you have spared the pains to take any notice at all.

SECT. 2.

The Original of Prelacy is not to be sought in Law.

1. **I**N the second place I intimated, that it seems to me unreasonable to expect such proof, That the Government of the Church should be established by Law in such a manner as you seek for, *That it should have its Original Establishment in Law.*

2. For before, and at the first making of Christian Laws in this Kingdom, this Government was found *existing*; and to have first destroyed this Government, and then again to have established the same by

by Law, would have been plainly ridiculous; which yet must have been done, in order to such an establishment as you require proof of.

3. It is acknowledged by Mr. Fox, that in *Elutherius* his time *An.Dom. 180.* when this Realm was first converted to Christianity; there were appointed in the same three *Archbishops* and twenty eight *Bishops*; and since that time the Government of the Church by *Archbishops, Bishops, &c.* hath been further established by *Magna Charta*, which hath been confirmed above 30 times by Parliament; and by the Statute called *Confirmatio Chartarum*, still in force, it was ordained, that all Laws contrary to that Charter should be void; and that *Bishops*, twice every year, should excommunicate all that did, either do or advise contrary to it.

Act. Mon.
Tom. 1.
pag. 148.

4. The Government of the Church was at first founded in Prelacy; therefore so far as we are a Christian Nation, and governed by Christian Laws, Episcopal Government goes into our foundation.

5. I mean only it is so of the foundation, as to be from and in the beginning of Church-Government and Christian

Laws among us: I do not say, so of the *foundation* as to be *unalterable*, yet others do; however, it is not yet *actually altered*, and that is as much as the Argument requires, and to warrant that expression which I thought *augmentative*, though you pass it by *unnoted*, viz. that there is the *less reason* to expect that the *Power, Office, or Government of Bishops* should have their *origin* from the *Laws of the Land*, or that *the Child should beget the Father*.

SECT. 3.

Church-Government is established by Law.

1. **T**Hirdly, I laboured to prove, that so far as a *Government*, that was *præ-existing* before the *Laws* concerning it, could be reasonably expected to be *established by Law*, the *present Church-Government* is *established by Law*: For,

2. First, the *Laws of this Land*, since they were *Christian*, have ever allowed it and taken it for granted (as having its foundation sufficiently laid before) upon all occasions; not only by those *special Laws* that particularly relate unto it, but indeed in every *Law* which

which expresseth the Consent of the Lords Spiritual.

3. Here you only catch at the weakest part about the Consent of the Lords Spiritual to the Acts of Parliament, leaving the strength of the Argument grounded in those many special Laws which relate to this Government, and apparently allow and continue it, without any exception or observation.

4. Yet I am not at all satisfied that the allowance and recording of their Consent to every Law, by the King, Peers, and Commons, is not a plain acknowledgement of Episcopal Power and Government.

5. Secondly, I affirm, That the present Government is established by Law, though not in its Office which was before the Law, yet in its Political Power, and the Exercise of it, in this Kingdom.

6. Therefore the several Legal Names of Prelatical Governours, with their distinct Jurisdictions, and the Crimes punishable by them, and the Authority allowed so to punish, and the Fees of their Courts, and the Form and Manner of Consecrating Bishops are found and founded in the Laws of the Land.

7. In your Recital of this Argument you only mention the *Exercise* of this Government, and take no notice of its *Political Power* given by Law; and therefore your Answer is short.

8. But that this *Political Power* of Ecclesiastical Governours is settled and authorized by the Laws of the Land is most evident in that of the 24 Hen. 8. c. 12. & Eliz. An. 1. 2.

9. By 24 Hen. 8. c. 12. *Jurisdiction* touching *Matrimony, Wills, Tithes, Oblations, &c.* is expressly given them; and it is added, that all such *Spiritual Causes* shall be from henceforth *heard, examined, discuss'd, and cleerly, finally and definitively adjudged and determined* within the *Kings Jurisdiction and Authority*, and not elsewhere, in *such Courts Spiritual and Temporal* of the same as the natures of the Causes shall require.

10. Note, That if the *Temporal Courts* have any *Authority* given them by *this Statute*; so also have the *Spiritual*; they are joyned together; *such Courts Spiritual and Temporal.*

11. The point of *Appeals* is also established by the said Statute; and *Bishops* are

are expressely authorized to receive *Appeals* from *Arch-Deacons Courts*; and the *Arch-Bishops* from the *Bishops*, with *Authority hereby given them*, or established in them, to put a final end to all such Controversies. You may read the Statute at large.

12. Yet, I conceive, that of *Eliz. 1. c. 2.* is more precise to our purpose, Where it is Ordained and Enacted, that all and singular *Archbishops* and *Bishops*, and every of their *Chancellours*, *Commissaries*, *Archdeacons*, and other *Ordinaries*, having any peculiar *Ecclesiastical Jurisdiction*, shall have full Power and Authority by Virtue of this Act, as well to inquire in their *Visitations*, *Synods* and elsewhere, to take *Accusations* and *Informations* of all and every the things above mentioned within the Limits of their *Jurisdiction*; and to punish the same by *Admonition*, *Excommunication*, *Sequestration*, or *Deprivation*, and other *Censures* and *Process*, in like Form as heretofore hath been used in like Cases by the *Queens Ecclesiastical Laws*.

13. Here, we cannot but see, not only the legal Names of *Ecclesiastical Gover-*

vetnours, mentioned; but their po'itical Power and Authority allowed, yea, formally invested and establish'd in them to inquire, and to punish. To *punish* with Admonition, Excommunication, Sequestration and Deprivation, and all this by *Virtue* of this *Act*.

14. Had we nothing more to prove Episcopal Government to be established by law, but this very Statute, *I* cannot apprehend but that the work is done, and all Objections to the contrary for ever superseded.

15. Is here only a liberty to exercise a power *given them*? is it not express, that *Power* and *Authority* is also *given them*? 'Tis not declared, that they have *Power* and *Authority* by *Virtue* of their *Office*, or any other way; but it is *enacted* that they have *Power* and *Authority* to inquire and punish, &c. by *Virtue* of this very *Act*.

16. Yea, though it is intimated, that the *same* Course had been used formerly; it is not *enacted* only, that this shall *continue*; but as if *such* a kind of *Objection* had been in prospect; it is *enacted*, that by *Virtue* of this *Statute* all these Ecclesiastical, Governours shall have full
Power

Power and Authority to proceed in like Form as heretofore hath been used in like cases by the *Queens Ecclesiastical laws.*

17. While I read the Statute so express and punctual in the Case, I know you will not blame me, if I wonder at your so frequent comparing the *Government* of the *Church* with *Usury*, and her *Governours* with *Usurers*.

18 I do not know of any Statute that gives so much countenance to *Usury* and *Usurers*, as to say, *be it enacted that power and Authority be given to Usurers*; or that makes them a politick body, and invests them with *Government* over so much as their own *Tribe*, and in Cases peculiar to their own way, abuses and faults of *Usury*: Do not reflect so unbecomingly.

19. Thirdly, I affirm, that should we yield unto you that there is *no express Statute immediatly Authorizing Ecclesiastical Governours*; yet immediately it it cannot be denied, to be established by Law: I mean such Law as impowers the *King* to *Commission* and *Authorize* the *Governours* in the *Church*.

20. That the *King* hath such a power in him is manifest from the *Oath of Supremacy*.

*premac*y. For being *supream Governour* in all causes Ecclesiastical, he is so over all persons Ecclesiastical, as to Commissionate all his inferiour Governours; therefore, they all, either mediately or immediately, receive their Commissions from him; which is, no doubt, Legal, in the Judgement of all that understand these *Protestant Laws*, that revolve the power usurped by the Pope, upon *Henry the Eighth*, and all his successours, in the Crown of *England* for ever. v. 26. *Hen. 8. c. 1. & Eliz. 1.* where you read thus :

21. All *Jurisdictions* heretofore lawfully exercised by any Ecclesiastical-power or Authority for *Visitation*, *Reformation*, &c. are united and annexed to the imperial Crown of this Realm : and that your Highness, your Heirs and Successors, shall have full power and Authority, by virtue of this Act, by Letters Patents under the great Seal of *England* to Assign, Name, and Authorize persons to exercise all manner of *Jurisdictions*, and to *Visit*, *Reform*, *Redress*, &c.

22. Your Answer is, this at most concludes but for the Governours, and not for the Frame of Government.

23. But

23. But do you not hereby grant as much as my *Argument* needs? For if the *Governours* of the *Church* are Authorized by Law; you ow them Obedience; and the Law in them; and your *Covenant* provokes you to disobedience.

24. Again, How can all the *Governours* be Authorized by Law, and not the Frame of Government too? He that by Law Commissionates all the *Governours*, doth he not thereby establish the Frame of Government?

25. Yea, where will you look for the Frame of Government, but in the Seat of *Governours*; and that according to the *Covenant* it self? You there engage against *Prelacy*; that is the Government of the *Church* by *Arch-Bishops*. &c. *Viz.* the several *Governours* of it.

26. You add the *Kings Supremacy* may exist in, and operate by other *Church Governours*, as well as these.

27. I answer easily; that admit what you say, yet as no other sort of *Governours* can be Legally so, until the King Commissionate them as he hath done these; so this kind, *viz.* *Episcopal Government*, must of necessity continue to be

be Legal, until the King shall Commissionate others of another Method; or at least *withdraw* his Commission from these in the present form of Church-Government; if he hath power to do it by Law.

28. Lastly, I urge you, that *this* Government is plainly established by *Common Law*.

29. To this you say, that *Prescription is a poor Fence to Usurpation*; Usury hath prescription.

30. But *how* doth it appear that the present Government is an Usurpation: so weighty a charge deserves proof.

31. Church Governours are the Kings Ecclesiastical Officers; they have their power and authority to Govern, given them by *Act of Parliament*: this appears, but that their Government is Usurpation, appears not.

32. To make good your charge, *two things* require proof. First, that *Episcopal Government* was an Usurpation at first. Secondly, that it is so still, and that it hath not obtained a good Title in law, all this while.

The Statutes now mentioned prove the present Title of it. And *Magna Charta*

Charta is a sufficient Evidence, that so long ago it had Legal Authority, and was no Usurpation.

33. I rather mention *Magna Charta* here, because, it is accounted *Common Law*, and adds much strength to my Argument thence, and from long continuance: Especially, seeing there is much for the *Church and Bishops*, but nothing for Usurers and Usury to be found in it.

34. The Plea, that *Magna Charta* is in behalf of the *Abbots* as well as *Bishops* hath nothing at all against us.

For *Abbots* were since abolished by law, so were not *Bishops*. We are not arguing that nothing confirmed by *Magna Charta* can be lawfully altered: but that Episcopal Government confirmed by *Magna Charta* is established by that Law, and not removed by any other.

35. Yea, this Objection answers it self, and all the rest of its Company; and yields us an Argument that might pass for an *Instar omnium*.

Abbots and *Bishops* were both confirmed by the Law of this Land. *Abbots* are removed by Law, and not *Bishops*; and in the Law, *exceptio firmat Regulam in non exceptis*; and therefore the Law that removed

removed the *Abbots*, did establish the *Bishops*: and thus Episcopacy is established by Law.

36. But are there not *State-Officers* that had not their *original* in the *Statute-Laws*, but only in the *Common-Law* of this Land, (as hundred-Constables and *Crownets*, &c.) will any say, that *these* are not *established by law*? These were before the known written statute Laws, and so were *Bishops* in *England* before any *Christian Laws*.

37. Indeed, methinks, the very *Concessions* of your selves, Mr. *Crofton*, yea and of the two Houses of the *Long Parliament*, is as much as my *Argument* and the *Government* of the *Church* can stand in need of.

P. 18. 19.

38. You grant in one place of your *Book*, your selves, that the *Government* of the *Church* by *Prelacy*, is not onely limited, restrained, regulated, but directed; yea, in some things authorized by the *Kings Laws*. I think you will hardly say *Usury* is so; or that any thing *Authorized by law* can be destroyed, but *by law*: And that sufficeth my *Argument*.

39. Again, methinks, Mr. *Crofton* decides

cides the Controverſie againſt himſelf in his *Berith. Anti-Baal.* p. 25. There he chargeth the late Biſhop of Exon, becauſe he pleaded for the *Jus Divinum* of Episcopacy, that he did confront King and Parliament in what all their Statutes declare to be their own creature and conſtitution even from the Statutes of Carlile, and the 25. of Ed. 3. declaring againſt the Pope, that Holy Church was founded in Prelacy by their own Donation, Power and Authority.

40. Now, I conceive, this was never ſaid of Uſury, or indeed, of any thing not eſtabliſhed by Law. For how is this Donation, Power and Authority, put forth in framing this Creature and Conſtitution of Parliaments, but in Acts of Parliament, that is, the Laws of the land.

41. If there be any doubt, what judgment the two Houſes that impoſed the Covenant, had touching the Legality of the Government of the Church of England, we are ſatisfied of that, by their Applications to his Maſteſty for the extirpation of it, at the Ile of Wight.

42. Their words are theſe: for the Aboliſhing of Episcopacy we take leave to ſay, that it is not the Apoſtolicall Biſhop,
I which

which the Bill desired of your Majesty, intends to remove; but that Episcopacy formerly was established by law in this Kingdom: Again, onely to put down him by law who was set up by law.

43. Note first, that the Long Parliament did not doubt, but that Episcopacy was establish'd by Law. Secondly, that the imposers of the Covenant did extend the sence of the Covenant against that which was established by law. Thirdly, that yet in their own Judgment, that which is set up by law is not to be pulled down without law. These things they saw at last, though their many years practice before had contradicted them, *vid. Biblioth. Regi. p. 350.*

CASE XII.

Whether the Covenant can oblige against a Future Law.

YOU deny that Episcopal Government hath received any more expresse Establishment by the Acts of Parliament since the Kings Return, then it had before; but I cannot find, that you say, it hath received no Establishment thereby, onely that its establishment is not more expresse in the new laws,

laws; then it was in the *Old*; but that I need not dispute.

2. The Establishment of Episcopacy was express enough in my judgment before; and if the new *laws* be found to establish it at all, my Argument is not interrupted.

3. And truly, methinks, after 20. years shaking, and almost Ruinating, we may fairly count the laws, that restored this Government upon its *legas* again, and not only to its quiet and safety, but to its liberty and power of exercise, should deserve the name of Establishing *laws*; and the Government be thought to be Established by them, though it stand upon an elder Bottom, which I never denied.

4. Besides, for a law so far to encourage and Countenance of Government, that was troden under foot so long together, as to punish all kind of disobedience to it, is plainly to re-establish the same.

5. I might add, we see the King, according to law and his own Supremacy, hath fill'd the Church again with all the several sorts of Ecclesiastical Officers; and hath set again the whole Frame of Government in the very terms of the Co-

nant over us : and thus the Government is Established by law, *diametrically against* the Covenant: and then surely the Engagement of the Covenant is as opposite to the law as it is to Episcopacy.

6. Consequently, whether the *Act of Uniformity* doth precisely prohibit *Endeavours* against this Government, or not, (upon which Argument I cannot but acknowledge you are very ingenious. Other laws require obedience to it, that were indeed made of old, but are now renewed and reinforced by these new laws.

7. Therefore, the Covenant cannot oblige us against this Government; but it doth equally oblige us against these new laws: which to do, I have at large proved to be sinful, and you have said nothing at all to disparage my Arguments.

8. You intimate, your labour is saved in that point; and you need not discuss how far an Oath may bind against law. But truly, to me this seems to be your proper work; and that you have questioned the wrong Proposition all this while. I cannot satisfy my self, that what ever you pretend, that you doubt the legality of Episcopal Government.

9. The Exceptions of the Antagonists
you

you mention are answered before : and I have no more to do upon *this Case*, but to note one Expression of your own in the close of it.

10. You seem to fear *Atheism*, in that which only serves to Vindicate God against our selves. His Authority in his Sovereign pre-obligations upon us, against and after-Obligations contracted by our selves, though by way of Oath and Covenant to the contrary.

11. I cannot but believe that Gods preobligation upon us, to obey Authority in lawful things, is so firm and indissoluble, that no Covenant of ours to the contrary can make those things unlawful, or warrant disobedience therein.

12. This I assert, though our Covenant precede the laws, requiring such lawful things, which needs must pass with abundant Evidence; If these after-laws, as you affirm, do only revive and reinforce those Ancient laws that had obliged us to the same things before we Covenanted to the contrary.

13. Now this methinks, should have more Piety to God shining in it, upon the eyes of such as read and consider, then to be capable of the suspicion of A-

Atheism, or Irreligion, though I charge not the contrary with what you fear, Treason or Seditious.

14. There is nothing said by you on the thirteenth and fourteenth Cases that doth not either *consent* with me, or is not answered already. I pass to the fifteenth Case.

CASE XV.

Touching the word [Endeavour] and the sense and force of it in the Covenant and in the Act.

1. **T**ouching the word [*Endeavour*] I conceive you ought to have *sweat more*; for though you find much fault with my *endeavours* about it, yet I can find very little *correction* or amendment.

2. I cannot think it my *task* to deal with you as *Censors*, but as *Disputants*; or to answer your *passion*, but your *reason*; now the sum of what you say *rational*ly hereupon is shortly this, That [*endeavour*] is *general* and *indefinite* both in the *Act*, and in the *Covenant*; and that *endeavour* is *sui juris* to the meanest *Subject*.

3. And this you repeat only as the
sence

sence of the *Covenanters*, without any Answer to the Argumentative part of my Discourse, which I cannot but mind you was your proper concern.

4. Indeed you chide me with some heat, that I had not given you any *Etymology*, *acception*, or *interpretation* of the word [*endeavour*]; but if you measure the success of your own attempt therein, you will easily excuse my omission of it.

5. For what degree of *advantage* hath accrued to your *selves*, your *Cause*, or your *Reader*, by your *Latine*, *Greek*, and *Hebrew* rendition of the word *endeavour*? yea, your selves had just before intimated, that the *English* word [*endeavour*] is a word easie and plain to be understood; neither have you better explained it by its *Latine*, *Greek*, or *Hebrew*, or by any *Etymology* or *Acception* at all, more then I had done.

6. I confess you say something as to the *Interpretation* of it; and so, I think, I did, beyond what you take notice of in your *Surveigh*, which provokes me to trouble you with a *Review*.

SECT. I.

Endeavour is distinguished.

1. **Y**OU note (I say not with a black and white character) that I assign some special Acts by which endeavour may operate; but to assert, that endeavour may be either private or publick; and these less or more publick; and to add explanations and instances of all these (as you know I did) is doubtless more then only to pitch on some special acts of endeavor; for thus you have the kinds and the modification, as well as the acts or operations of it.

2. Moreover, you know I gave you the application of them also: I say, first, That though in a general and unusual sense our private Prayers to God may chance to be called endeavours, yet they are not so, either properly, or in any usual way of speaking, by the Covenanters themselves, nor to be presumed to be struck at, in the Act, by the Magistrate, who Governs Kingdoms and not Closets.

3. Again, I offer, That it is hard to assign any other kind of endeavour (if private Prayer be any) for the extirpation of Government that is pure and simple, and

and without all *tincture* of *Sedition* and *Danger* to the *publick*; or if there should be any such found, I humbly conceived the *Civil Magistrate* cannot be *Rationally* thought to intend them in the *Act*, there being no danger in them, and the *Nature* of them not properly under his *Cognisance*.

4. Now, my Brethren, judge whether it had not been fair for you, upon this notable nick of *Controversie*, to have entred into a clear *Debate* of these things? did it not become you, either to shew the *Defect* of my *Enumeration*, or at least, to evince that some of the *ways* of endeavour, by me pretended to be unlawful, to be good, just and lawful, and in our own power? and then to have convinc'd us, that some of those lawful endeavours are such as are plainly intended by the *Act* of *Parliament*? this, I presume, was your work,

5. Indeed, skipping over what is nearest, you say, you will go to the utmost: and here you demand, is it not possible for those very *Acts*, which bear in my eyes the worst *Aspect*, to become lawful endeavours?

6. But, my Brethren, is there no difference

ference betwixt what is so, and what may become so? that which is possible only, is not so much as future much less present. It is certain, *What may be therefore is not*: and when it is affirmed, that such a thing may become lawful, it is thereby granted, that that thing is now not lawful.

7. To affirm therefore that *such Endeavours may become lawful*, is to condemn them as *unlawful* at present: and consequently, that we cannot be bound unto them by the Covenant. Now observe it, you are not required to declare that there *never may*, but for the present, there now *lieth*: or in the present sense there *lieth no Obligation upon us* thereunto.

SECT. 2.

Of the Acts of Endeavour justified by my Brethren.

1. **G**ive me leave also to come to the *Gutmost* with you; my Brethren; and to ask you, what those endeavours or acts of endeavour are that you insist on: I mean, that not only may become lawful, but are so, as a *present Bar* against your Subscription.

2. You

2. You seem to grant, that for a Minister to preach, a Lawyer to plead, and the Souldier to fight against Episcopacy, are at present unlawful; for these, you say, may become lawful. If you indeed think there are any such as are square to Rule, in all points justifiable and lawful, it is much you named them not; without this you have done nothing: *In generalibus latet dolus*; and the word *Endeavour* is but a Bug-bear.

3. Is it not safe to mention them? however, it is duty and necessary; but surely that cannot be the reason, seeing you began with so much confidence in the English Genius; and have found out ways to insinuate things more obnoxious.

4. Therefore, though in this most fit and proper place you do it not, yet in another you make my Antagonists to serve the turn. In p. 28. I finde these words: *The Covenanters (say you) will tell me, there are Acts of Endeavour for Extirpation other then what I mention; such as Theological disputation, submits supplication, popular groans, or complaints of grievances, by and under it, which are consistent with submission to it while existent.*

5. My

5. My Brethren, I must needs acknowledge, I took great Content and satisfaction to my self from *these words*; not doubting but you knew how to express our *Covenanting Brethrens* minds, in the point, and that you do it truly.

6. Their *Judgment* soberly, it seems is this; They hold themselves bound by the Covenant to *Endeavour* to extirpate Episcopal Government, by no means that are inconsistent with submission to it, whiles existent.

7. This I look upon as a very great Concession from the rigour of former Principles and Practices; and a fair step to a good agreement betwixt us which the Good Lord prosper.

8. For, hereby, you seem to grant 3. things of no small concern in the Controversie.

1. That they can submit unto Episcopal Government, notwithstanding the Covenant: That is, I presume, they can *Act* under it in several places, and obey it in things lawful: otherwise, they do not submit unto it, as a Government.

2. Therefore, they grant, that Episcopal Government is not an unlawful Government, or sinful of it self, or by the Word

Word of God; otherwise, I believe you would not so far own it, as to obey it, or submit unto it.

3. That if they can find out no such Endeavours against *this* Government, intended by the *Act*, as are consistent with submission to it while existent, and liable to no other just exception, we are agreed. For then you may declare there lies no Obligation to such Endeavours as are not; *de non ente non est Obligatio*.

9. Now, we are so near; suffer me to reach you with a word or two of serious advice, that you would bestow a few thoughts upon the following inquiries.

1. Whether, if the Government of the Church be not sinful, by the Word of God, it be not necessary to us, by the laws of the land, the Oath of Supremacy, and secundario, by the Laws of God?

2. Hereupon, it is further worthy our inquiry, what Endeavours to extirpate *this* Government thus necessary are *sui Juris* to every Subject? I do not say to Reform, but to extirpate it.

3. Thirdly, Admitting the Moderate sense of some Covenanters, that the Covenant doth not intend an Extirpation, but a Regulation of this Government; Whether

whether the Declaration be not reconcilable with the Obligation herunto; seeing there we declare that we are not obliged to change or alter, not to reform this Government.

4th Lastly, take the sense of the Object how you please, it may be queried, whether you have not done your endeavour; after so long and strenuous Endeavours against it almost 20 years before, and several years since the happy Restauration; we find the King, the Peers and People of England in Parliament, have sufficiently declared, that it shall not be extirpated?

So that, to reason, there now appears no farther hope of effecting our endeavours; and consequently the Obligation thereunto ceaseth, by the Rule, *Nemo Tenetur ad impossibile*.

10. Pardon this digression so fairly occasioned; and I now hasten to examine those several Acts of Endeavour, which you have, in the Name of the Covenanters, proposed and Judged to be lawful. Theological disputation; submiss supplication; popular groans, and complaints of grievances by and under it; of them in Order.

S E C T. 3.

Of Endeavour by popular groans
and complaints.

1. **I**N order to a true Judgement of the lawfulness of these Acts of Endeavour, let us take a glance of the object of them as you have proposed it; you do not say the Government it self, but grievances by and under it.

2. First, then, for grievances under it, they may be redressed, without the utter Extirpation of the Government it self.

3. Again, we are not required to declare that we are not bound to endeavour to remove them; it is a change of Government, in the Act, and Extirpation, you say in the Covenant, and notes a Reformation, or Redress of grievances onely.

4. Secondly, for grievances by it, I Ask, whether you intend such grievances as flow from the Nature, or such onely, as happen upon the abuse or Mis-administration of this Government: if you say, such as flow from the Nature of it, then you must prove Episcopal Government to be evil in Se; which I think you will not undertake; but if such as flow from Abuse onely, you are not
held

beld from Endeavouring against them.

5. If you yet doubt, whether you may not Endeavor against the Government it self, let us proceed to Examine particularly the Acts of Endeavour specified by you: Disputation, supplication, groans, or complaints.

6. For the last sort, groans, and complaints, I cannot understand, how these can be provoked, but where there is burden and grievance to be groaned under, or complained of.

7. That the Government it self is so, you do not say, much less evince: if it be found so, by Male-administration, Complain for me, and spare not; so you do it regularly, and not tumultuously.

8. Yet, I must needs observe, that groans and complaints under a Government must carry sedition in the manner of them, or else they cannot, properly, or without very much straining, be called acts of Endeavor for the extirpation of it.

S E C T. 4.

Of Endeavour by disputations.

1. A Second sort of Acts of Endeavour, specified by you, are Theological Disputations; but these, Neither,

ther, are *Endeavours* properly and directly so called, as to the *end intended*.

2. For in *such Disputations*, who knows not, but, as *Opponents*, we may dispute for *Popery*, or any other *Heresie*: by such *ventilation*, the *truth* believed in the *Church of England*, is intended to be *vindicated*, and not *destroyed*.

3. Neither are *such disputations* any *Motion* towards the *Extirpation* of *Episcopacy*, with the *persons* that have *power* to do it: seeing our *Governours* receive no *Applications* or *Impressions* by them.

4. Neither, is it the *proper Intention* of *such Scholastick Disputations*, to work upon our *Governours* to that *end*, who are *no way concerned* to take notice of them.

5. Yet, admit they *were*: let me beseech you to propose after *what manner* these *publique Disputations* are to be managed, as *Endeavours* for this *end*.

6. Consider, *what* will you dispute *against*? the *Lawfulness* of the *Government*? I am confident you do *not believe* it to be *unlawful*; either, by the *Word of God*, or the *Laws of the Land*; for you say, you bear *affection* to *Episcopacy*, yea, *such affection* to it, as that you would have *passed* by the *Object* of this *Covenanted Act*.

7. Give me leave again; what will you dispute for? the Extirpation of Episcopacy? how can this Consist with your Affection to it? or what Arguments, what weapons, will your Affection to it strike it with, to Ruine and destroy it?

8. Besides, when such Disputation appears to design and endeavour the Extirpation of the Kings Ecclesiastical Government, who see's not Manifest Sedition in it? to say no Worse.

9. Especially, when the Supream Government hath openly and freshly, even just now, declared Their Will to the Contrary, by Restoring this Government, in all it's Officers, to it's former Authority and Priviledges against all Endeavours for it's Extirpation.

Lastly, would you dispute onely for a Reformation of it: this is not a change or Extirpation: and not concern'd in the Declaration, as I have often noted.

13. But you are ready to say, there is a Submiss Supplication: and this is properly Endeavour, and sui Juris to every Subject.

11. Upon both these branches I must demur a little; for indeed, here lies the stress of this Controversie, and the strength of
of

Sampson; but it must be better proved,

1. That *Petition* is *Properly Endeavour*, and in the sence of the *Act*: and 2. That *Petition* to *Extirpate Government* is *sui Juris* to every *Subject*. I shall *Examine* them *distinctly* and *seriously*: for if either of these *fail*, your *hair* is off.

S E C T. 5.

Whether to Petition be to Endeavour properly, and in the Act.

1. I Cannot so easily grant it, as you take it for granted, that to *Petition* another to do a thing is to endeavor to do it.

2. We know, that *Petition* or prayer to *God* is *Ordinarily* distinguish'd from *Our own Endeavours* for the same thing we pray for.

3. Neither, is there more reason to confound our *Petitions* or prayers to such men, as are called *Gods*, with our *Own Endeavours*: especially, considering, that the things we Ask of *God*, are capable of our *Own Endeavours*; yea, if it be for gaining or increasing of grace or peace, our prayers, are a means not onely of asking but of effecting the same; but to alter law and government is a thing of that nature, that we can onely ask it; we can

Act no further towards it: all the work for the effecting of it belongs to our Governours; put any Familiar Instance with your selves, and resolve the double: will you say that the Child desiring his Father to wind up his Watch is the Childs Endeavouring the winding it up: or to wind it up.

4. I can easily Consent, that *Conatus* is not effectus: yet you acknowledge it, is a motion towards the Effect: which you call a Natural power: and I doubt not we agree, that *Conatus* hath essentially in it a Natural tendency and operation towards the effect, Endeavoured.

5. Now simple and bare Petition or submits supplication hath not so: it hath indeed a verbal motion for the thing desired, but no real Operation or Natural Motion towards the effecting of it.

6. The subject, by Petition, doth desire it; but the Parliament in all those legal methods of debating, voting, committing, engrossing, &c. do properly endeavor the Abolition of any thing legally established.

7. Truly, I soberly discern this distinction of Petition and Endeavour both in the Covenant, and in the Act of Uniformity.

8. The Covenant saith, we shall Endeavour the Extirpation of Prelacy: not desire, or perswade, but Endeavour it: Neither can you possibly perswade your selves, that such as then imposed and took the Covenant did at first intend such Endeavors as you mean, who took other courses, you well know, to effect the same.

9. It is added, Constantly and zealously: must we be always zealous and hot in our Petitions: must we perpetually sollicite King and Parliament with our supplications? this will hardly consist with submit Supplication.

10. Indeed it is plainly Seditions in it self, take Endeavour in your own sence, publicly to engage by Covenant, zealously, and constantly to Petition the Alteration of Government: this is, to declare to the World, that we will never be quiet under it.

11. Thus, also, it is in the Act: we are to declare, there lies no Obligation to Endeavour a change: it is not said, that we shall not Petition that others may Endeavour it.

12. Rational Endeavour implies, that the persons endeavouring have probably a power to effect: but it is certain, before

hand, that, without the *Supream Legislative Power*, the *Subjects* cannot effect the Extirpation of *Episcopacy*: therefore they cannot *rationally* or *lawfully* endeavour it: therefore if they promise or *Covenant* so to do, it is *sinful*; and they may *lawfully* declare they are not obliged unto it, that is, to endeavour what they have no power by Law to do: neither can the *Aſſ* be thought to intend any more: *Stultum est Conari quod nequeas efficere.*

13. Lastly, If *submit's* supplication be yet thought to have any spice of endeavor in it, it cannot be *rationally* thought to be intended in the word, *endeavour*, in the *Aſſ*; you observe that *Endeavour* in the *Aſſ* and in the *Covenant* are of one measure, and it is too evident there was more in endeavour in the *Covenant* then *meer* *Petition* and *submit's* supplication, which ran us upon those sad consequences that in all reason the *Intention* of this new *Aſſ* is but to secure us from: you say to make *Laws* against simple *Endeavor* is certainly destructive to the *Liberty* of the *Subject* and *Priviledge* of *Parliament*; Methinks then, you should not apprehend such a simple and bare endeavour is to be disclaimed, as is essential in your own Judge.

Judgements to the liberty of the Subject
and priviledge of Parliament.

SECT. 6.

*Whether to endeavour, &c. be at all times
fui Juris to every Subject, &c.*

1. I Cannot yet consent, that to endeavour to alter the overnment of the Church, is at all times, or at this time, *fui Juris* to every, or to any, Subject; or indeed to any person in the Nation, to speak home.

2. The King is the proper Judge of what Government is fittest for the Church, both as he is *Supream Governour* over it; and as he is the *Head of the Parliament*.

3. As he is *supream Governor* over the Church of England, he is *supream Judge* in all Causes; into whom the last Appeal resolves: and consequently, he is *supream Judge* in this of the fitness of the Government of the Church, unto whom the last Appeal for a final & definitive sentence and determination is only to be made.

4. Again, as he is *Head of the Parliament* he is no less. For though the 2 Houses be also Judges of the fitness of the Government, yet still, with submission and reservation to the highest Judge thereof,

their Sovereign Lord the King; who hath a Negative upon both Houses, and gives life or death, with his own word, to any Bill tendred to him.

5. So that in matters Legally existing, the King hath this great advantage above his 2 houses; the King hath power of himself to continue the existence of any such thing, without his two houses; that is, whether they will or not: and they cannot remove or abolish any such thing without the King, or whether he will or no.

6. Suppose it be granted, that the people may petition, & both houses may proceed so far as to frame a Bill against a Government absolutely considered, and without respect to any Prior Obligations by Oath, or otherwise, upon the King; and tender this unto the King, in Order to the extirpation of the same: yet if the King refuse to pass the Bill, that Bill so once rejected cannot be revived, during that Parliament: neither may any person, in either house, so much as move it any more, by the laws of Parliament; which nothing can warrant against, but the necessity of the things so to be revived upon the Word of God,

7. The same Reason perswades me, that

that when both *King* and *Parliament* have, by fresh law, declared *their dissent* to alter the Government against *all endeavours used to that end*; (and so they have done by the late *Statute* for its *restoration*) then, we the Subjects cannot be bound any longer to endeavour it, if we were bound before.

8. To be bound, still to vex the *King* and *Parliament* with perpetual repetition of Petitions, to remove a Government which they have, & still do signify they will not remove: yea, which they do *signally own* and ratifie: so much the *more*; is to be bound to go contrary to authority as well as Law, to trouble the peace of *Church* and *State*, and the Government over us; and indeed, to endeavour or labour in vain, all hopes of prevailing being taken away: *at postquam palam desperata est, & constat fieri non posse, cessat obligatio, ex jam dicto fundamento, quod Nemo Teneatur ad impossibile.*

9. This must needs pass without all controll, if we add to the consideration that the *King* is known to be *born to*, and bound to take an *Oath*, by the very constitution of the *Kingdom*, to maintain and defend the Government in question, as he is *King*.

10. It

10. It hence irresistably follows, that the King cannot take a *previous Oath* contrary to his *Coronation Oath*, but he thereby violates the very constitution of this Kingdome; and there is an *Obligation* upon him to defend, and to swear to defend, before any *Covenant* that may be taken by him to extirpate *Episcopacy*.

11. Yea, the King cannot be bound to endeavour to extirpate *Episcopacy*, by any such *previous Oath*, seeing such endeavours cannot consist with the Tenor of his *Coronation Oath*, to protect and defend the Bishops: and if he should be tempted to take such an Oath, against the Bishops, it is void *ipso facto*; for as he was born Heir to the Crown he was born Heir to the Oath of the Crown, and bound as King to take it.

12. I need not say the *Coronation oath* is *unalterable* in this particular: it is enough, that it is not yet altered, and that it cannot be Legally altered, but by *Act of Parliament*: I am sure, you will not say the King, much less before he is Crowned, hath power of himself, or with any others besides his Parliament, to make or diminish or alter any known Law, especially

specially that which so much concerns his peoples interest & security, in the oath to be taken at his Coronation.

13. Pray, therefore, observe & weigh this Consequence; if an oath taken by the King to the contrary before hand, doth void the Coronation Oath, required by Law, then the King by a private Oath may equally bind himself to endeavour to destroy the priviledges of Parliament, the liberty of the Subject, and the other great concerns of Magna Charta, as well as to extirpate Episcopacy; and his Coronation Oath taken afterwards, would not at all oblige him to govern by the Laws of the Land. I argue not, now, from the necessity of the things, but from the Obligation of the Laws and Oaths taken by the King about them.

14. The Coronation Oath is part of the Inheritance of the Crown, and all the Subjects in their several capacities are equally concerned in every part of it, as Subjects: for if we allow its violation in any one part, we let go our security in all the rest.

15. Moreover, 'tis certain, that though where the Conscience judgeth the matter of a former Oath *lawful*, the Conscience

ence is *bound* against any future *Oath* to the contrary; yet if the Conscience be convinced or fully perswaded that the former *oath* was sinful in the matter of it, and doth take upon it a new *Oath* to the contrary; in such a case the latter *oath* binds the conscience.

P. 16. Now it is open and plain to all the world, that (seeing the King hath taken his Coronation *Oath* for to defend the Bishops & passed those Bills for the protection and preservation of Episcopal Government; and by his other protestations and practices of the like nature;) his Conscience will not suffer him to destroy Episcopacy, but dictates to him that endeavours so to do are very sinful.

17. Surely, the King cannot be bound to endeavour against his Conscience, more then to you against yours; much less against his Conscience bound by an *Oath* his solemn Coronation *Oath*; the bond of his Fidelity, and peoples security: this hath taken hold upon him, and invincibly tieth him under such conviction, to preserve his Conscience, and his *oath*, and Episcopal Government.

18. In all charity and duty we are bound to judge according to all this appearance

pearance; and I cannot imagine that any man doth scruple whether the King be in His Judgment for Episcopal Government, against all the evidence He hath given us of it.

19. So that the *Objection* of the single Person is removed beyond all suspicion; and seeing we are not to declare what things are in themselves, but what we judg them to be, who can possibly stick to declare, That he holds the single Person is not bound by——to endeavour the extirpation of Episcopal Government.

20. Now, for any other Person, whether the Lords or Commons in Parliament or inferiour Subjects, how can they, or any of them, be bound, think ye, to endeavour to make the King sin, and in so high a manner as to violate His Conscience, and His solemn sacred Coronation Oath? without which he cannot consent (as His Royal Father proved with His Life) to the extirpation of Episcopal Government.

21. Consent, I say, much less Enact it; and yet without both it cannot be legally done; neither can any endeavour it in any lawful way, but by desiring and labouring to perswade the King thus to
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Consent and Enact against Oath and Conscience.

22. But lest it should be doubted, whether the *King* doth swear to defend the *Bishops*: give me leave to subjoyn an Account of that *Solemn proceeding*, at the Coronation; so far as it relates to our Argument, and I have done with this great part of my Task.

23. I find the Account thus, wherein, I think I am not Mis-informed.

24. After the many other gracious promises which the *King* makes to his People; One of the *Bishops* reading to the *King* before the People, concerning the Canonical priviledges of the Church, and beseeching him that he would be the Protector of the *Bishops* and the Churches under their Government; The *King* Answereth in these words: with a willing and devout heart, I promise and grant my pardon, and that I will preserve and maintain to you, and the Churches committed to your charge, All Canonical priviledges, and due Law and Justice: and that I will be your Protector and Defender, to my Power, by the Assistance of God: as every good King in his Kingdom, in right, ought to Protect and Defend

send the Bishops and Churches under their Government.

25. Then the King ariseth, and at the Communion Table makes a Solemn Oath in the presence of the People, to Observe the premises, and laying his hand upon the Book, saith, *the things which I have before promised, I shall perform, and keep: So help me God, and the contents of this Book,*

26. Now, who can think himself, or any other person, bound by any Obligation whatsoever, to Necessitate (so far as in them lies) His Sacred Majesty to Violate His Oath so Solemnly Sworn at His Inauguration?

C A S E. XVI.

Whether the Covenant be not against the Liberty of the Subject.

1. I Must still assert, the Liberty of the Subject was apparently violated by the Ordinance for the Covenant: seeing the Free-holds of so many Several persons and famous Corporations were thus invaded; while the Persons and Corporations so deeply concerned had none to Represent them in either house of Parliament, when that Ordinance passed.

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2. This was the *Emphasis* of my Argument, which you little *observe*, and much less *answer*.

3. I am *still* of the mind, in my *coldest blood*, that *without Respect* to some *proportionable demerit*, it is not *sui Juris* to the King, or *Parliament*; to *destroy* any *person* or *publique Corporation*; or to *deprive* them of their *legal Freeholds*, especially whilst their *Representatives* are kept out of *Parliament*: it being against *common Justice*, and the *Liberty* of the *Subject*, in *Magna Charta*.

4. To conclude, admit Mr. Crofton do truly *Recite* the words in the *Petition of Right*, [*whereas many of them have an Oath administred to them, not warrantable by the Laws and Statutes of this Realm*] yet my *Affertion* stands firm enough, that the *Covenant* is against the *Petition of Right*.

5. For, it is not warrantable by the *Laws* and *Statutes* of this *Realm*, whether you consider the *manner* of *imposing* and *taking*, or the very *matter* of it, as hath *fully* appeared *before*.

6. 'Tis true, *Oaths* are given by *Colledges*, and *Corporations*: but are they not warrantable by the *Laws*, and *Sta-*

tutes

uses of the Realm? if not, I am not afraid to infer, that such as impose them run, thereby into a premunire; if they are, then my argument passeth untouch'd

7. Indeed, these particular Oaths are not, in so many words, found in the Statutes; yet who doubts, but that the King hath power by the Laws of the Land, to grant such Charters, and to give Authority to Colledges and Corporations to Administer such Oaths?

8. Again, who can, or dare lay claim to such a power, but the King: or Administer such Oaths, without power from the King; much less against his Express will and Proclamation?

CASE XVII.

Whether the Covenant be not against former Obligations.

1. **I** Conclude it is so, and therefore, void: the force of the Consequence cannot be resisted in those excellent words of our great Casuist. *Obligatio Antecedens impedit effectum Juramenti Subsequentis, ne possit Obligare: Semper enim Obligatio prior præjudicat posteriori, & Irritum facit omnem Actum inductivum novæ Obligationis sibi Contrariæ.*

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2. I assume, there were three strong Cords and bonds of God upon us, to the Contrary, before ever the Covenant was taken or thought of; to Obey Authority: to keep our Oaths and promises: to Serve the Church in Our Generations; which we shall now review in their order.

S E C T. I.

Whether the Covenant be not against the Law of Obedience to Authority.

1. **Y**OU would perswade us, that I affirm this onely upon my former Principles, because the Covenant is against the *Rights* of the King, the *Laws* of the Land, the *Priviledge* of Parliament, and the *Liberty* of the Subjects: which, you conceive, are all laid in the dust

2. Perhaps, you may find these Principles more potent and vigorous in their Resurrection: however, though I had a General Reflection upon these former Arguments; yet, I added a particular force to the present Argument, (which, having raised a *Dust*, it seems you did not see,) in these words.

3. More particularly, God first Obligeth us to be *Subject* and to obey our Governours; and the Covenant would engage

engage us to *disobey*, *disown* and *destroy* them : (I mean our Governours in the Church) the Covenant would *discharge* us of our *obedience*, and *oblige* us to *Resistance*; Contrary to Gods express *obligation* upon us, which cannot be.

4. God doth immediately by his *Word*, and likewise by the *Mediation* and *interposition* of *Civil Authority*, *command* us to *obey*, to be *subject*; and not to *resist* our *Spiritual Governours*, the Covenant would engage to *break all at once*; and *at once* to *violate the Laws* of God, the King and the Church, and all *Authority*.

5. Our duty is *positive*, to be *subject*, 2. *Negative*, not to *Resist*; *whosoever resisteth the power, resisteth the Ordinance of God* --- Wherefore we must needs be *subject* for *conscience sake*. Rom. 13. Now both these are broken by the Covenant; the one by *omission*, the other by *commission*.

6. *First*; Our *positive duty* of *obedience* and *subjection* carrieth in it, by *Universal Consent*, to *defend*, *preserve*, to *honour*, *observe*, and to be *faithful* to our *Governours*; now how these are consistent with *Endeavours to Extirpate*, I cannot see.

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7. Again, Our Negative part, or *Non-resistance*, is transgressed too: by the *Aposiles Logick*, not to be subject, is to *Resist*: whosoever *Resisteth* — wherefore we must needs be *Subject*: however, to *Endeavour* to *Extirpate*, is too plainly to *Resist*.

8. For *Endeavours* to *Extirpate* a Government are both far beyond the compass of *Subjection*, they being no part either of *Active* or *Passive* Obedience; and deep in the Nature of *Resistance*, most properly taken.

9. *Endeavours* to *Extirpate* have *Action* in them, and are therefore more then *passive* Obedience: their *Action* also is *Diametrically* opposite to *Active* Obedience.

10. Again, *Endeavours* to *Extirpate* do formally carry *Resistance* in them: yea, they are the *formal Act* of high *Resistance*, not of the *Law* onely, but of the Government it self: not in the *Action* onely, but in the very *being* of it: for *Extirpation* is the end and *utmost* of *Resistance*; and therefore, *Endeavour* to *Extirpate* is properly *resistance*.

11. Pray, resolve me, to what part of our *Duty* to our Parents will you reduce
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Endeavours to Extirpate their Government over us : or how can such Endeavours square and Conform to the Commands of God, and the Laws of the Land, Not to Resist, but to be Subject to our Governours, Ecclesiastical and Civil?

12. 'Tis *vain* to say, we are bound to obey the *laws*, yet we may Endeavour to have them changed : It is *not safe* to Argue from the *Laws*, which are but the *Rule*, to our Governours, who are the object of our obedience.

13. If *this* consequence be *Good*; upon an *Oath* taken of the like *Nature*, against the *civil power*, we may hold our selves bound to Endeavour to Extirpate both King and Parliament.

14. For Government by Monarchy, and the Constitution of Parliaments, you will not say, they are in themselves Necessary to our civil State; and if, because Episcopacy is doubt'd to be *Jure Divino*, you conclude it lawful to swear against it; or having so sworn, to Endeavour to Extirpate it, I dare not undertake to find a way for the civil Government to escape the danger: the Inference is easie, from Government to Go-

vernment ; though the one be in the Church, and the other in the State ; especially seeing we cannot resist the one, and not disobey the other.

SECT. 2.

Whether the Covenant be not against Former Oaths and Promises.

1. **T**HIS I also affirm, and consequently, that the Covenant was prevented by such Prior Obligations : the Case is fully stated in these words of our Reverend Casuist. *Si cui Juramentum suscipiendum defereretur, continens aliquid quod Obligationi priori sive Naturali sive acquisitæ adversatur ut si adversetur officio, quod parenti debetur aut principi ; vel si repugnet ei quod Ante licite juratum fuit vel promissum ejusmodi Juramentum, non potest à quoquam salvâ conscientia, vel præstari, vel præstitum adimpleri ; qui utrumvis fecerit, pejeraverit,*

2. I assume, that the Oaths of Allegiance, Supremacy and the Protestation of May 5. 1641. were taken by the Nation, before any of the Nation took the Covenant, and that the Covenant in the Second Article is Repugnant to them all.

3. In all these, you say, I was fully pre-

prevented by Mr. Crofton; and seeing this is all you say against me in these particulars, I shall only return you to one, who in all of them did as fully prevent Mr. Crofton many years ago.

4. He leads us on *thus*; as his Majesty hath sworn expressly to maintain and defend the Government of the Church, by Arch-Bishops, Bishops, &c. So have we his Subjects implicitly sworn the same, as many of us as have taken the Oaths Supremacy, of Allegiance, and the late Protestation.

5. For first, his Majesty having sworn so solemnly to maintain and preserve this Government of the Church, if any Attempts or Conspiracies should be made against it we are bound by the Oath of Allegiance to maintain and defend his Majesty to the utmost of our power, in his endeavouring to make good that his oath of maintaining & defending that Government of the Church and the Rights and Priviledges of these Governours against all those Conspiracies and Attempts.

6. Secondly, we have sworn in our Oath of Supremacy, that the Kings Highness is the only Supream of this Realm,

as well in *spiritual* things and causes, as *Temporal*; and that we shall to our power assist and defend all Jurisdiction, Priviledge and Authority, granted or *elonging* to the Kings Highness: the Government of the Church being such an *Ecclesiastical thing*, and Cause, as that, next to the Doctrine of the Church, there is not any *Ecclesiastical thing* or Cause of nearer concernment to the King, and whole Kingdome; and the *Regulating* and ordering thereof belonging to his *Jurisdiction*, Priviledge, Preheminance and Authority, we are obliged by *that Oath*, not only to acknowledge his Majesty to be the *Supream Governour* in *that thing* and Cause, but also to our power assist and defend that *Jurisdiction*, Priviledge, Preheminance and Authority; and not to Assay, or Endeavour *ought* concerning the Altering, much less the *rooting out* of that Government, without the Kings Consent and Approbation.

7. Lastly, we having sworn in our *late Protestation* to maintain and defend the Doctrine of the Church of England, against Popery: and one Article of *that Doctrine*, which the *Papists* mainly Oppose,

pose, viz. six and thirty, together with several other parts thereof, approving and Justifying the Government of this Church; it must be granted, that we are by this Oath bound so far to maintain and defend that Government, as to approve and justify the lawfulness thereof both in it self, and in its Constitution here among us.

8. Besides, we swore expressly in the same Protestation to maintain and defend the lawful Rights and Liberties of the Subject, and every person that made that Protestation; and therefore in that respect until we are convinced, either that Arch-Bishops and Bishops, &c. are no Subjects; or that their Right of Governing this Church is not lawful; we are bound by that Branch of the Oath, not only not to Endeavour the Extirpation of the Government of the Church by them, but to the utmost of our power to maintain and defend them in that their Right of Government: and every person that took the Protestation in whatsoever he hath since done, or shall hereafter do in the maintenance and defence thereof. *Ante-confederacy, p. 51.*
52. Printed 1644.

9. You

9. You believe Mr. Crofton will not stick to allow the *Nationality* of the *Protestation*: and then the *whole Nation* was under the *Obligation* of the *Protestation*, before the *Covenant* was taken: and consequently in those things before recited, the *Covenant* was superseeded, and Master Croftons *Imaginary Reality* and *Nationality* of the *Covenant*, is thrown to the ground by Mr. Croftons *Logick*; his *Position* undermined by his *Supposition*.

10. Give me leave also to remember, that both in the *Oath of Supremacy*, and the *Protestation*, it was sworn to maintain the *Kings Honor*, as well as his *Authority*: but the *Covenant* is to endeavour to make the *King break his Oath*; which is plainly contrary to *Endeavours* to save his *Honour*.

11. The *King* hath sworn to defend and maintain this *Government*. It is not a necessary *Duty* from the *Word of God* to destroy it: there is nothing more dishonourable in a *King*, then to break his *Faith* with his *Subjects*, yea, his *Oath* to them, his *Oath* to defend and protect them, and in so deep a measure too, by his *Extirpation* and rooting them out.

out. d Lastly, the *Covenant* is to endeavour to prevail with the *King* thus, to break his Faith and Oath with his Subjects, in a thing, in your own judgments, not necessary upon him from the Word of God. Now avoid the Consequence if you can.

SECT. 3.

Whether the *Covenant* can oblige us to the laying down of our Ministry.

1. THirdly, I assert, we are first obliged to serve the *Church* in the work of the Ministry; and the Obligation of the *Covenant* can no way disoblige us or discharge us of it.

2. The Argument in short, is thus. No man hath power to put a Bar, by any self-contracted Obligation, about a thing not necessary in the way of his duty, to God or his Church; the reason is, God hath first in Nature and Scripture obliged him to his duty. *Est illicitum quicquid bono publico adversatur, aut paci Ecclesiast. politicæ Domesticæ. Sand. Et Actus unius non debet præjudicare juri alterius.* Our own private Act ought not to prejudice the right of another, much less God & the Church.

3 But now to leave our Ministerial office, because we will not renounce this part

part of the *Covenant* as required by *law* is to put a *Bar* in the way of our *duty* to *God* and his *Church*, from a *self-contradicted-obligation*, about a *thing* in it self not necessary.

4. I spent above 8. pag. in the book *surveigh'd* by you, in the prosecution of this *Argument*. Pray read them over again, & judge whether you have *soil'd*, much less as you speak of my other *Arguments*, laid it in the *dust*; indeed you have not touch'd it with one of your fingers.

5. This *Argument* may grant, or rather give, that it was lawful not to renounce the obligation of the *Covenant*, before this *Act* was made; but now the *Act* requires it as the condition of continuing in the *Ministry*; the *Case* is otherwise.

6. For the *Covenant* could not be taken in a matter not necessary, without such a condition, that the performing of it or the non-renouncing of it do not afterwards prove a *bar* to our *duty*, be understood. The *Rule* is known, *rebus sic stantibus*, vel si in eodē statu res permanserint, upon condition, that no sin hereafter be to be committed, no injury done, no duty omitted by keeping our *Oath*, or any *thing* truly consequential thereunto.

7. There

7. There is a Case in Bishop Sanders
 son that brings us very neer our own.
Si Filius familias, &c. If a Son, saith he,
 swear to do a thing that is in it self lawful,
 and his father (not knowing what his son
 hath sworn) commands him to do something
 which hinders him from doing that which
 he had sworn to do, (doth not forbid him to
 do it, but commands him to do that, *quod*
impediat id fieri quod juratum est.) He re-
 solv's the case, *filius non tenetur juramen-*
to; his reason is, quia lege divina Natu-
rali tenetur parere imperio Patris.

8. Thus admit that you swore a law-
 ful thing in the Covenant, your Civil
 Parent commands you to do that, which
 hinders the performing your Covenant;
 the Renouncing of the Obligation of it, in
 the Second Article. But, how much
 greater force is added to the Argument,
 if you consider the effect of your disobe-
 dience to this Command of Authority,
 your ceasing to work any longer in the Mi-
 nistry, and disobedience to God that called
 you to it.

9. *Causa Causa est Causa Causati*, the
 Cause of your ceasing to do your duty to
 God, the Law and the Church, is your
 Non-Subscription, the cause of your Non-
 Sub-

Subscription, is the Covenant. Therefore the Covenant is the cause of ceasing to do your duty; and therefore sinful, and not obliging.

Supream Authority hath, doubtless, power to make any conditions of our serving the Church within its Dominions, in things not sinful, according to its own reason of State: the Covenant cannot hold us from performing such condition; for then it hinders us from doing our duty, by hindering from performing the condition, upon which alone we are suffer'd to keep our places, and to serve the Church, and to which we have a pre-obligation of God upon us, not to be so easily broken by our own hands.

11. Therefore, my dear Brethren, in the fear of the great God, whose Servants we all are, let me request you once again, seriously to consider: that though, for your oaths sake you ought to quit your own Interest; yet the Churches and the States you cannot.

12. Pray, enquire, who gave you power to expose your selves to an Incapacity of serving the Church, in the high and holy Calling of the Ministry (to which God hath called you; and for which he hath qualified)

fied) you, and in which, he expects you should be constant and faithful by such a Covenant as the renouncing thereof, is now made the condition of our station, and the discharge of our Office.

13. Ask your selves, was not the Law of God, requiring all that should be received into the Ministry, to preach the Gospel, to watch for souls, not to look back, &c. of force, before the Covenant? how then, can you plead the Covenant for the voiding of it? in such things too, as are certainly no conditions of Gods Commands.

15. I do not well know, what you mean, by the last note of your Surveigh, which onely remains to be taken notice of; your words are these. *We conceive the best of Actions may be as capable of an Impedit. boni by the intervenient inhibiting Decree of Cæsar: and we are to be satisfied that in that case the guilt of non-service to the Church is chargable on our soul: We may not sin that good should come thereof.*

16. So far as I apprehend this Objection, it is most easily answered.

17. First, by yielding that the best of your Actions must be performed, whether Cæsar inh bite or not.

18. Se-

18. Secondly, by denying endeavours to extirpate Episcopal Government to be of the best sort of your Actions: or the not endeavouring the same, or the renouncing the obligation of the Covenant so far, to be sin.

19. I have often said, that thus to endeavour the extirpation of Episcopal Government is not in it self a duty: many of your Actions are so, and particularly, the discharge of your offices and places: therefore, if it so fall out, that, through the command of Caesar, you cannot both discharge your necessary duties, and also hold yourselves bound not to do a thing that in it self, is not necessary, that which would oblige you not to perform such condition of your duties, ceaseth so far to oblige you; and that is the Covenant.

20. Otherwise, by your own Act about an object not in it self a duty, you would supersede the Authority of Caesar in things indifferent, & clip the power which God hath given him; by extending the effect of your Covenant with God, to Caesar's injury. *Injuriam alteri facit, qui quasi Jure suo statuit de iis quæ sunt juris alieni.*

Liberavi animam meam.

F I N I S.

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